

A Summary of Cases

9/2/2015

- 2013/0801 **Disposition:** David St. Clair and Hoosier Cutters were cited for fourteen (14) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizer material for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$3,500.00 (14 counts x \$250.00 per count) was assessed. Hoosier Cutters was cited for violation of section 65(12) of the Indiana Pesticide Use and Application Law for applying pesticides in category 3a without having a 3a certification. A civil penalty in the amount of \$250.00 was assessed for this violation. The total amount of civil penalty assessed for this investigation is \$3,750.00. As of October 15, 2014, Mr. St. Clair had not paid the civil penalty. The case was forwarded for collection and Mr. St. Clair's applicator license was suspended. On May 19, 2015, the \$3,750.00 civil penalty was paid through the Collections Section of the Indiana Attorney General's Office.
- 2014/0159 **Disposition:** Infinite Coatings was cited for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a state un-registered pesticide product. A civil penalty in the amount of \$750.00 (3 counts x \$250.00 per count) was assessed. Infinite Coatings was cited for three (3) counts of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide that violated the Federal Insecticide, Fungicide, and Rodenticide Act. A civil penalty in the amount of \$1,750.00 (\$250.00 for the first count; \$500.00 for the second count and \$1,000.00 for the third count) was assessed. As of May 1, 2015, Infinite Coatings had not paid the civil penalty. The case was forwarded to the Indiana Attorney General for collection. On June 5, 2015, the \$2,500.00 civil penalty was paid in full by Infinite Coatings. The collection process was stopped.
- 2015/0308 **Disposition:** Hastings Plants LLC was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding agricultural use requirements. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm.
- 2015/0330 **Disposition:** Richard Marsh was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation. As of July 23, 2015, Richard Marsh had not paid the civil penalty. The case was forwarded to Purdue for collection of the civil penalty.
- 2015/0437 **Disposition:** Eric Ferguson was cited for six (6) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,500.00 (6 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$1,125.00. Consideration was given to the fact Mr. Ferguson cooperated during this investigation. It should be noted as of February 11, 2015; Mr. Ferguson still had not

applied for a license. As of July 22, 2015, Eric Ferguson had not paid the civil penalty. The case was forwarded to the Office of Indiana Attorney General for collection of the unmitigated amount of \$1,500.00 and the licenses for Eric Ferguson and Mosquito Blocker were suspended.

- 2015/0480 **Disposition:** Optimal Chemical, Inc. was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide that was not registered in the state of Indiana. A civil penalty in the amount of \$250.00 was assessed for this violation. As of July 23, 2015, Optimal Chemical, Inc. had not paid the civil penalty. The case was forwarded to Purdue for collection of the civil penalty.
- 2015/0553 **Disposition:** Active Research LLC was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a state un-registered pesticide product. A civil penalty in the amount of \$250.00 was assessed for this violation.
- 2015/0643 **Disposition:** Thomas Strubinger was cited for two (2) violations of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.
- 2015/0646 **Disposition:** Pond A River Golf Club was cited for three (3) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-2, for applying pesticides to a golf course without having a category 3b commercial applicator license. A civil penalty in the amount of \$750.00 (3 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$375.00. Consideration was given to the fact Mr. Gerig cooperated during the investigation; there was no previous history of similar nature and no restricted use pesticides were involved. Pond A River Golf Club was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-4, for failure to keep and maintain all required records of pesticide applications.
- 2015/0651 **Disposition:** Jason Wall and Vicki Vespo-Preston were cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding placement of bait. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact this was Ms. Vespo-Preston's first violation, but there was a potential for human harm.
- 2015/0655 **Disposition:** Michael Cuskaden was cited for seven (7) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,750.00 (7 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$1,312.50. Consideration was given to the fact Mr. Cuskaden cooperated during the investigation.

- 2015/0657 **Disposition:** Nathan Young was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.
- 2015/0669 **Disposition:** Crop Production Services was cited for sixteen (16) violations of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-3-3, for distributing restricted use pesticides without having a dealer registration. A civil penalty in the amount of \$4,000.00 (16 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$1,400.00. Consideration was given to the fact Crop Production Services cooperated during the investigation; corrective action was taken and there was no previous history of similar nature.
- 2015/0700 **Disposition:** Polyguard Products Division was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide that was not registered in the state of Indiana. A civil penalty in the amount of \$250.00 was assessed for this violation.
- 2015/0704 **Disposition:** Zack Bell was cited for three counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically, specifically 355 IAC 4-2-3, for failure to provide onsite supervision to a non-certified individual. A civil penalty in the amount of \$375.00 (3 counts x \$125.00 per count) was assessed. As of May 8, 2015, Mr. Clippinger still had not received his license.
- 2015/0733 **Disposition:** Steven West was cited for one hundred twenty-one (121) days of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed employee. A civil penalty in the amount of \$15,125.00 (121 counts x \$125.00 per count) was assessed. However, the civil penalty was reduced to \$7,562.00. Consideration was given to the fact Mr. West cooperated during the investigation; corrective action was taken and no restricted use pesticides were involved.
- 2015/0797 **Disposition:** Andrew Royer was cited for one (1) count of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-2, for failure to properly supervise a non-certified person. A civil penalty in the amount of \$125.00 was assessed for this violation.
- 2015/0810 **Disposition:** Roger Simpson was cited for eight (8) violations of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$2,000.00 (8 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact Mr. Simpson cooperated during the investigation.

- 2015/0811 **Disposition:** Kevin M. Fuhrman was cited for five (5) violations of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,250.00 (5 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$375.00. Consideration was given to the fact Mr. Fuhrman cooperated during the investigation; corrective action was taken; no previous history of similar nature and no restricted use pesticides were involved.
- 2015/0812 **Disposition:** Bruce D. Miller was cited for three (3) violations of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$750.00 (3 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$525.00. Consideration was given to the fact Mr. Miller cooperated during the investigation and no restricted use pesticides were used.
- 2015/0814 **Disposition:** David Welch was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide on-site supervision to a non-certified individual. A civil penalty in the amount of \$125.00 was assessed for this violation.
- 2015/0825 **Disposition:** Carl Liggett was cited for thirty-four (34) violations of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$8,500.00 (34 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$2,550.00. Consideration was given to the fact Mr. Liggett cooperated; corrective action was taken; there was no previous violations of similar nature and no restricted use pesticides were involved.
- 2015/0927 **DISPOSITION:** Dave Williams was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding the use of personal protective equipment (PPE). A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm, especially for a registered employee under the supervision of Mr. Williams.

CASE SUMMARY

Case #2013/0801

Complainant: Office of Indiana State Chemist
175 S. University Street
West Lafayette, Indiana 47907
765-494-1585

Respondent:	David St. Clair	Certified Applicator/Owner
	Hoosier Cutters	Unlicensed Business
	502 N. Coquillard Drive	
	South Bend, Indiana 46617	
	574-850-5984	

1. On April 29, 2013, I was assigned an unlicensed business complaint from the licensing section of the Office of Indiana State Chemist (OISC). According to the licensing section, Hoosier Cutters did not renew their business license for 2013. As of April 17, 2013, Hoosier Cutters' business license was made inactive for failure to pay the licensing fees. Therefore they may have been making pesticide applications without a pesticide business license for 2013.
2. On May 13, 2013, I spoke to Mr. St. Clair. He told me he sent a check in the amount of \$180.00 to the OISC licensing section. I checked with Jill Davis of the OISC licensing section. She told me the check was never received. I re-contacted Mr. St. Clair to advise him of the situation. He told me he would re-send the payment.
3. On July 17, 2013, OISC licensing section sent a final notice for proof of a "certificate of insurance" (COI) before a business license could be issued. By October 1, 2013, a COI had not been received.
4. On October 15, 2013, I made contact with Mr. St. Clair regarding the COI. On October 16, 2013, I received a copy of the COI via e-mail which was forwarded to the OISC licensing section. I also requested copies of invoices for any fertilizer and pesticide applications from January 1, 2013 through October 16, 2013.
5. I received the invoices from Hoosier Cutters on a USB drive via mail service.
6. I reviewed all invoices for Hoosier Cutters for 2013. There were pesticide and fertilizer applications made on fourteen (14) separate dates. (See list below)

<u>Date</u>	<u>Type of Application</u>	<u>Address</u>
April 2	fertilizer (15-0-3)	1418 E. Wayne St., South Bend, In.
April 3	fertilizer (15-0-3)	15433 Stony Run Trl., Granger, In.
April 4	fertilizer (15-0-3)	52300 Hickory Rd., Granger, In.
April 9	fertilizer (15-0-3)	26170 Woodsong Dr., South Bend, In.
May 10	tick treatment	51271 Northhill Ct., Granger, In.
May 14	liquid broadleaf control	1617 E. Washington St., South Bend, In.
May 15	liquid broadleaf control	15433 Stony Run Trl., Granger, In.
May 16	liquid broadleaf control	1418 E. Wayne St., South Bend, In.
June 5	liquid broadleaf control	52300 Hickory Rd., Granger, In.
July 9	fertilizer (22-0-5)	15433 Stony Run Trl., Granger, In.
July 10	fertilizer (22-0-5)	1418 E. Wayne St., South Bend, In.
July 11	fertilizer (22-0-5)	50760 Ravenna Ct., South Bend, In.
September 24	fertilizer (12-12-12)	15433 Stony Run Trl., Granger, In
October 3	fertilizer (12-12-12)	1418 E. Wayne St., South Bend, In.

7. I also discovered a category 3A (ornamental) pesticide application was made on October 15, 2013 for "treatment of all trees for pest infiltration on South Bend Transportation property" in South Bend, Indiana. I checked with the OISC licensing section to find that Hoosier Cutters is not licensed to do category 3A pesticide applications.



Kevin W. Gibson
Pesticide Investigator

Date: December 9, 2013

Disposition: David St. Clair and Hoosier Cutters were cited for fourteen (14) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides/fertilizer material for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$3,500.00 (14 counts x \$250.00 per count) was assessed.

Hoosier Cutters was cited for violation of section 65(12) of the Indiana Pesticide Use and Application Law for applying pesticides in category 3a without having a 3a certification. A civil penalty in the amount of \$250.00 was assessed for this violation.

The total amount of civil penalty assessed for this investigation is \$3,750.00.

As of October 15, 2014, Mr. St. Clair had not paid the civil penalty. The case was forwarded for collection and Mr. St. Clair's applicator license was suspended.

On May 19, 2015, the \$3,750.00 civil penalty was paid through the Collections Section of the Indiana Attorney General's Office.



George N. Saxton
Compliance Officer

Draft Date: February 26, 2014
Final Date: October 15, 2014
Final Date: June 1, 2015

CASE SUMMARY

Case #2014/0159

Complainant:	Office of Indiana State Chemist (OISC) 175 S. University Street West Lafayette, Indiana 47907 (765)-494-1585	
Respondent:	Frank J. Catapano Global Shield Solutions 10424 Tremont Lane Fishers, Indiana 46038 (860) 983-3566	Chief Executive Officer
Involved others:	Dr. Steven W. Carr MD Global Shield Solutions 10424 Tremont Lane Fishers, Indiana 46038 (317) 250-0473	Partner
	Ryan Carr Global Shield Solutions 10424 Tremont Lane Fishers, Indiana (317) 201-3559	Sales and Application Specialist
	Doug Dutton Infinite Coatings Sterile Doctor 3923 Morse Street, Ste. 101 Denton, TX 76208 (940) 323-1200	President

1. On Friday March 21, 2014, I was assigned the task of looking into the sale and unlicensed pesticide applications of “Sterile Doctor” products offered in the state of Indiana. The Sterile Doctor Products are produced and distributed by Infinite Coatings in Denton, Texas. The Global Shield Solutions company is a certified partner of Sterile Doctor. In an internet search for Sterile Doctor products conducted by Mr. Ed White, Assistant Pesticide Administrator for OISC, in early April of 2014, the Sterile Doctor products were advertising the following public health pesticidal claims.

- *Protection of Life*
- Longer lasting than *disinfectants*
- A biostatic treatment that is effective against surface damaging Bacteria, *Viruses*, Fungi, Mold and Algae (MRSA, Staph, Influenza and E-Coli are named)

2. Sterile Doctor is a federally unregistered antimicrobial pesticide product derived from DTN-100 (EPA Reg. #88423-1). The DTN-100 federal registration clearly reads: *“DTN-100 antimicrobial is effective against mold, mildew and algae as a static agent.”* No mention is made of product efficacy against bacteria or viruses. The DTN registration also clearly reads: *“Neither this product or the articles treated with this product may state or imply any public health claims.”*

The point of contact for Sterile Doctor products and applications for the state of Indiana is listed as:

- Global Shield Solutions
Ryan Carr
RCarr@GlobalShieldSolutions.com
(317) 201-3559

3. On April 22, 2014 I called the number listed for Mr. Ryan Carr and left a voicemail asking him to contact me as soon as possible. On April 23, 2014 I received a phone call from Frank J. Catapano the CEO for Global Shield Solutions in response to the voicemail I left with Ryan Carr. I spoke to Mr. Catapano about the public health pesticidal claims his Sterile Doctor products were making in their on-line ads. I told Mr. Catapano he would need to register his products before doing business in Indiana and added any “for hire” applications of his product would require the business and personnel to be licensed through OISC in the Limited Certification category. I asked Mr. Catapano to e-mail the labels for the Sterile Doctor products that Global Shield intended to offer for sale and application.
4. Mr. Catapano asked if I could meet with him on the 9th of May at the Steven Carr residence in Fishers Indiana. I told Mr. Catapano that I would do that. I asked Mr. Catapano how much product had been sold in Indiana and how many spray or other methods of application had been made in Indiana. Mr. Catapano said no applications had been and no product had been sold in Indiana. Mr. Catapano said there was very little product stored at the Fishers Indiana address. I told Mr. Catapano that I would need to sample whatever product he had on hand when I met with him on May 9th, 2014.
5. Mr. Catapano sent several follow up e-mails and attachments (fig. A-E) which were forwarded to Mr. Ed White of OISC. On April 28, 2014, Mr. Ed White of OISC checked the federal registration of the active ingredient of Sterile Doctor products, *“DTN 100 EPA Reg. #88423-1”*, and found it was not registered for sale, distribution or use in Indiana. The DTN-100 federal registration reads: *“DTN-100 antimicrobial is effective against mold, mildew and algae as a static agent.”* No mention is made of product efficacy against bacteria or viruses. The DTN-100 registration further reads: *“Neither this product nor the articles treated with this product may state or imply any public health claims.”*



Fig. A

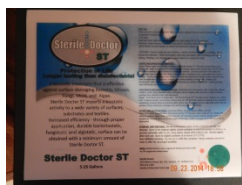


Fig. B



Fig. C



Fig. D



Fig. E

In his e-mail Mr. Catapano asked for a phone conference prior to our scheduled May, 9th, 2014 meeting. On Tuesday May 6, 2014, the phone conference was set up and a question and answer format was followed. The following guidance was provided as compliance assistance.

- a) DTN 100 Antimicrobial (EPA Reg. #88423-1), must be registered for sale, distribution and use in Indiana.
 - b) Any product further formulated from DTN 100 must be registered as a separate product with the US Environmental Protection Agency (EPA) and then registered with OISC as well.
 - c) If the new products (Sterile Doctor) are registered, they cannot make “public health pesticidal claims” unless those claims are first approved by EPA.
 - d) Once the Sterile Doctor products are EPA and OISC registered, all persons who wish to apply the product (regardless of method) in a “for hire” business must be licensed by OISC in the “Limited Certification Category”.
6. On Friday May 9th, 2014, I met with Mr. Frank Catapano, Dr. Steven Carr, his wife and his son Ryan Carr. Mr. Frank Catapano is the CEO for Global Shield Solutions, distributor of Sterile Doctor products, Dr. Steven Carr is a partner and Ryan Carr is the sales and application specialist. We discussed the need for truth in advertising, specifically the need to remove all public health pesticidal health claims from their website at once. We also discussed the need to register all of the Sterile Doctor products with the EPA, the State of Indiana and to obtain all applicator licensing required by Indiana law. I provided an information packet to Mr. Catapano. The packet consisted of information taken from the OISC website pertaining to category 13, “Limited Certification”. I was given the following questions. The follow-up answers provided are noted after the questions:
- a) Question: Once the Sterile Doctor products are registered both with US EPA and OISC, and they are sold to businesses like auto detailer’s, and other cleaning businesses, do those business’s need to be licensed with OISC to apply the Sterile Doctor?
 - b) Answer: If the business making the application, advertises the pesticide product application service they would need an OISC pesticide application license in category 13.
 - c) Question: If a hospital purchases Sterile Doctor products from Global Shield Solutions for their maintenance staff to apply, do they have to be licensed by OISC?
 - d) Answer: If the employees are using the Sterile Doctor products in the course of their normal duties at the hospital, they do not need a pesticide business license or the category 13 applicator license.
7. I checked the stored product at the Carr residence and took photographs of the same. See figures 1-5.



Fig. 1



Fig. 2



Fig. 3



Fig. 4



Fig. 5

- a) Figure 1 is a five gallon bucket of Sterile Doctor.
- b) Figure 2 is ten 32 oz. bottles of Sterile Doctor.
- c) Figure 3 is twenty three 6 oz. bottles of Sterile Doctor and there is an unopened box of twenty four more bottles as well.
- d) Figure 4 is a photograph of the three gratis samples secured as documentation.
- e) Figure 5 is an overall view of the storage for the Sterile Doctor products.

8. I issued a Stop Sale, Use or Removal Order for all of the products in Figures 1-3. The three sample containers seen in figure 4 were tagged (left to right) as follows;

- One 32 oz. bottle of Sterile Doctor ST (Short Term) sample #2014-1101
- One 32 oz. bottle of Sterile Doctor sample #2014-1102
- One 6 oz. bottle of Sterile Auto sample #2014-1103

The samples were bagged, sealed and turned into the OISC Formulation Laboratory. See photographs in Figures 6-9, which represent the following:



Fig. 6



Fig. 7



Fig. 8



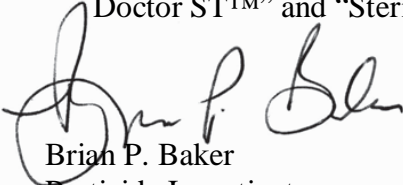
Fig. 9

- a) Figure 6 is sample number 2014-1101 and is a 32 oz. spray bottle of a liquid product labeled “Sterile Doctor ST”, bearing label language that includes the following:
 - i. “Protection of Life”
 - ii. “Longer lasting than disinfectants!”
 - iii. “Made with an EPA registered antimicrobial active that is a biostatic nano treatment that is effective against surface damaging bacteria, viruses, fungi, mold, and algae.”
 - iv. “The Sterile Doctor ST formula comes ready to use.”
 - v. “Sterile Doctor is not a registered disinfectant but is made with an EPA registered antimicrobial.”
- b) Figure 7 is sample number 2014-1102 and is a 32 oz. unlabeled spray bottle of a liquid product represented to me as a sample of the product contained in the five gallon bucket depicted in Figure 1. The product in the five gallon bucket is labeled as “Sterile Doctor ST” bearing label language that includes the following:
 - i. “Protection of Life.”
 - ii. “Longer lasting than disinfectants!”
 - iii. “A biostatic treatment that is effective against surface damaging bacteria, viruses, fungi, mold and, algae.”
 - iv. “Note: Sterile Doctor in (sic) not a registered disinfectant but is made with an EPA registered antimicrobial.”
- c) Figure 8 is sample number 2014-1103 and is a 6 oz. bottle of a liquid product labeled “Sterile Auto”, bearing label language that includes the following:

- i. "Protection of Life"
- ii. "Longer lasting than disinfectants"
- iii. "Effective against surface damaging bacteria, viruses, fungi, mold & algae!"
- iv. "Natural & Green"
- v. "The Sterile Auto™ formula comes ready to use."
- vi. "... reapply every 12 months or when odor, staining, and discoloration due to odor causing bacteria, mold stains, or mildew stains return."
- vii. "Note: Sterile Auto is not a registered disinfectant but is with (sic) an EPA registered antimicrobial."

d) Figure 9 is a photo of all three samples in Figures 6-8 bagged and tagged for submission to the OISC Formulation Laboratory.

9. On September 25, 2014, I again visited the Global Shield Solutions web site. The web site continues to make reference to "antimicrobial products", "commercial applications", "Sterile Doctor ST™" and "Sterile Auto™".



Brian P. Baker
Pesticide Investigator

Date: September 25, 2014

Disposition: Infinite Coatings was cited for three (3) counts of violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a state un-registered pesticide product. A civil penalty in the amount of \$750.00 (3 counts x \$250.00 per count) was assessed.

Infinite Coatings was cited for three (3) counts of violation of section 57(9) of the Indiana Pesticide Registration Law for distributing a pesticide that violated the Federal Insecticide, Fungicide, and Rodenticide Act. A civil penalty in the amount of \$1,750.00 (\$250.00 for the first count; \$500.00 for the second count and \$1,000.00 for the third count) was assessed.

As of May 1, 2015, Infinite Coatings had not paid the civil penalty. The case was forwarded to the Indiana Attorney General for collection.

On June 5, 2015, the \$2,500.00 civil penalty was paid in full by Infinite Coatings. The collection process was stopped.



George N. Saxton
Compliance Officer

Draft Date: December 10, 2014
Final Date: May 1, 2015
Final Date: June 30, 2015

CASE SUMMARY

Case #2015/0308

Complainant: Office of Indiana State Chemist (OISC)
175 S. University St.
W. Lafayette, IN 47907-2063
765-494-1585

Respondent: Hastings Plants LLC
1500 Hasting Lane
Mt. Vernon, IN 47620
812-838-2164
Michael Hasting (Private Applicator)

1. On April 21, 2015, I conducted a routine Worker Protection Standards (WPS) inspection of the Hastings Plants greenhouse. During my inspection, it was discovered WPS safety and training requirements were not being performed for workers.
2. I conducted the inspection with owner and handler, Nancy Hasting. Mrs. Hasting indicated her husband, Michael Hasting is the certified applicator for the business, but she makes all pesticide applications within the greenhouses. Mrs. Hasting stated she last made a pesticide application within the greenhouses on April 18, 2015, during the evening hours after the greenhouse business was closed and all employees had left. Mrs. Hasting informed me she had verbally notified her employees she would be making the application, but had not posted any warning signs at the entry doors to the greenhouses. In addition, Mrs. Hasting had not kept any records of the application and did not use restricted use pesticide products in the greenhouses. I inspected the products used by Mrs. Hasting in the greenhouses and determined the longest restricted entry interval (REI) time to a treated area to be 12 hours. It was determined no workers would have been in the greenhouses during the REI. The products being used by Mrs. Hasting that contained the Agricultural Use language on the product labels were Talstar P Insecticide (EPA Reg. # 279-3206), Chipco 26019 N/G Fungicide (432-889-59807) and Floramite SC Miticide (EPA Reg. # 10182-92-400).
3. During my interview, Mrs. Hasting also stated she had seven (7) seasonal employees, but no pesticide safety training had been done with any of the employees and she did not have a U.S. Environmental Protection Agency (EPA) approved Worker Protection Standards (WPS) video to conduct such training with. In addition, Mrs. Hasting informed me she did not have any safety poster or emergency medical facility information posted anywhere for the workers at the greenhouses.

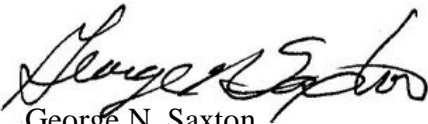
4. Mrs. Hasting's was forwarded a WPS video and safety/emergency medical information poster. Mrs. Hasting was instructed to have Michael Hasting show the WPS video to all workers at the business and keep records of their training. Mrs. Hasting was also instructed to display the poster information in a central location that could be viewed by all workers at the greenhouses.



Scott M. Farris
Investigator

Date: April 28, 2015

Disposition: Hastings Plants LLC was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding agricultural use requirements. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm.



George N. Saxton
Compliance Officer

Draft Date: May 18, 2015

Final Date: June 12, 2015

CASE SUMMARY

Case #2015/0330

Complainant: Kenneth L. Bush
11243 Pendleton Pike
Indianapolis, IN 46236
423-612-4414

Respondent: Richard Marsh
Ricks Tree Service
1150 Mitthoeffer Road
Indianapolis, IN 46229
317-914-8009

1. On November 6, 2014, the Office of Indiana State Chemist (OISC) received a consumer complaint from the Indiana Attorney General's Office regarding a possible unlicensed pesticide application. The complaint indicated Mr. Kenneth Bush had contacted the Indiana Attorney General's Office stating Mr. Richard Marsh of Ricks Tree Service had been hired to trim some trees on the Bush property and apply pesticide to ash trees to combat emerald ash borer damage. The complaint further indicated Mr. Bush felt Mr. Marsh was operating an undocumented business. Mr. Bush had allegedly paid Mr. Marsh \$880.00 towards the first day of work and then gave him a Citibank check in the amount of \$2345.00 for the remaining balance. It was reported Mr. Marsh refused the check for the balance as he did not have a banking account with any bank. This brought Mr. Bush to believe Mr. Marsh was running an unlicensed business.
2. On November 19, 2014, I made contact with Mr. Bush. He confirmed the complaint made with the Indiana Attorney General's Office. I asked to meet with him that day. I then met with Mr. Bush and his wife, Mrs. Lynn Bush, at their home. They advised me they were given the name of Richard Marsh of Ricks Tree Service, by a friend. They stated they needed some limbs trimmed off of some trees along their driveway. They further stated they were advised by Mr. Marsh there were some large ash trees, which had symptoms of damage from emerald ash borer. He had given them a quote for the tree trimming and for treating the ash trees for the emerald ash bore. They stated Mr. Marsh had several Hispanic workers come and trim the tops of the ash trees. They stated two other men did the other trimming. They stated Mr. Marsh sat in a chair while the others worked. They advised the work was conducted on October 5, 2014. They stated they learned there had been injecting devices placed in two of the large ash trees along their driveway. They were advised by Mr. Marsh, these devices were used to inject pesticide into the trees to combat the emerald ash borers. The Bush's stated they paid Mr. Marsh \$880.00 for the initial work on the trees. They stated they were going to pay the remainder upon completion of the work. They stated Mr. Marsh became very annoying as he would constantly call demanding the balance of his money. They advised they had to go as far as calling the local police department to come and speak with him as they were becoming concerned with his aggressive attitude. They did give him a Citibank check for the balance of \$2,345.00. They stated he contacted them advising he could not cash the check as he did not have a banking account with any bank. The Bush's stated this raised a concerned with them as they believed he did not have a legitimate business. They then contacted the Indiana Attorney General's Office and filed the complaint.
3. I advised Mr. and Mrs. Bush, the Office of Indiana State Chemist regulates pesticides as far as application of pesticides and licensing. I advised them any civil disputes would have to be handled

through the civil court systems. They stated Mr. Marsh had told them he had a company by the name of Fat Boys apply the pesticide treatments to the ash trees. They stated he could not provide them with any contact information for this company. They stated they requested he give them information regarding the type of pesticide applied to the ash trees. They stated he could not provide any of the information they requested. I advised them I would contact Mr. Marsh and conduct an investigation as far as any pesticide applications made on their property during this agreement with Mr. Marsh.

4. I then met with Mr. Marsh at his residence. He stated he was just recovering from surgery which made it difficult for him to walk. He stated he did have an agreement with the Bush's to trim limbs on the trees on their property. He stated he had his workers trim the trees as a favor for a mutual friend. He stated Ricks Tree Service does not exist. He stated he does some tree service work on the side. He stated he had given the Bush's an estimate for trimming trees and treating the ash trees for emerald ash borer. He stated he is not a certified pesticide applicator in the state of Indiana. He stated he had met a couple of men at a McDonald's at 38th Street and Post Road. He noticed they had the name Fat Boys Tree Service on their vehicle. He spoke with them and they advised him to contact them if they could assist him with any jobs in the future. Mr. Marsh stated he made contact with Fat Boys and had them apply the injectors into the ash trees to combat the emerald ash borer. I asked him what chemical they used to treat the ash borer and he could not advise. I asked him for contact information for Fat Boys. Mr. Marsh could not provide me with any contact information. He stated he thought it was a father and son business out of Kentucky. I asked him how he contacts them. He stated he has misplaced their business flyer. I then advised Mr. Marsh he could not apply pesticides or make any claims to treat pests in the state of Indiana without being licensed through the Office of Indiana State Chemist. Mr. Marsh then began to explain the situation with the money owed to him by the Bush's. He stated he does not have any bank accounts and thus could not cash the check given by them. He stated he was going to sue the Bush's. I advised him he would have to go through the civil court systems as I would only be investigating pesticide application and licensing violations. I did obtain a written statement from Mr. Marsh, which is in this case file. Mr. Marsh did state, he learned Fat Boys only had fertilizer in the injectors applied to the ash trees. He stated the injector buttons were never depressed, thus nothing entered the trees. He stated he removed the injectors from the trees and did not charge the Bush's for the treatment to the ash trees. I asked Mr. Marsh for the injectors and he stated he threw them away. I issued a STOP ACTION ORDER to Mr. Marsh to cease all pesticide applications until obtaining proper licensing through the Office of Indiana State Chemist.
5. I returned to the Bush residence and collected swab samples from both treated and untreated ash trees. I swabbed around and inside of the holes from where the injectors were placed. I also took photographs of the trees. The swab samples were labeled and submitted to the OISC residue lab. I spoke with OISC residue lab supervisor, Ping Wan, and explained to her I was not sure what pesticide might have been applied with the injectors. She stated she would analyze for commonly used products for emerald ash borer as well as a general pesticide screen. Photograph #1 shows the standing ash tree and photograph #2 shows a hole from the injector.



photo #1



photo #2

6. I checked the OISC database for any pesticide licensing in the state of Indiana for Fat Boys Tree Service. I was unable to locate any. I then checked on Google for any Fat Boys Tree Service in the United States. I was unable to locate any. I then contacted the Kentucky Department of Agriculture. I spoke with Ms. Wendy Davis. She checked their database and stated Fat Boys Tree Service was not registered as a pesticide business in the state of Kentucky.
7. On February 3, 2015, I received a report from the OISC residue lab. The following table indicates the results of the report. BDL = below detection limits

sample analyzed	active ingredient	quantity detected
swab sample from treated tree	imidacloprid	BDL
	dinotefuran	BDL
	azadirachtin	BDL
	emamectin	BDL
swab sample from untreated tree	imidacloprid	BDL
	dinotefuran	BDL
	GC/MSD general pesticide screen	BDL
	azadirachtin	BDL
	emamectin	BDL
trip blank	imidacloprid	BDL
	dinotefuran	BDL
	GC/MSD general pesticide screen	BDL
	azadirachtin	BDL
	emamectin	BDL
2 nd swab sample from treated tree	GC/MSD general pesticide screen	BDL

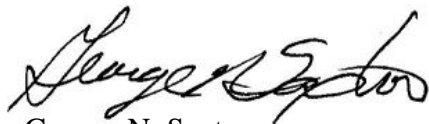


Robert D. Brewer
Investigator

Date: February 16, 2015

Disposition: Richard Marsh was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for professing to be in the business of applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.

As of July 23, 2015, Richard Marsh had not paid the civil penalty. The case was forwarded to Purdue for collection of the civil penalty.



George N. Saxton
Compliance Officer

Draft Date: April 2, 2015
Final Date: July 23, 2015

CASE SUMMARY

Case #2015/0437

Complainant: Dominic M. Quatman
Safe & Sound Pest Control LLC
601 S. Main St. #1557
Elkhart, Indiana 46515
574-343-2081

Applicator: Eric Ferguson
Mosquito Blocker
12412 Bittersweet Commons West Blvd. #812
Granger, Indiana 46530
574-333-1015

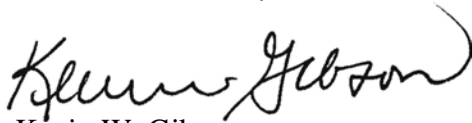
Unlicensed Applicator
Unlicensed Business

1. On January 2, 2015, the complainant sent an email to the Office of Indiana State Chemist (OISC) and stated he found a website advertising mosquito control in Indiana but could not find that they were licensed in Indiana. The OISC database confirmed Mosquito Blocker is not licensed in Indiana. The website in question is:

<http://www.mosquitoblocker.com/services.htm>

2. On January 29, 2015, I met with and issued a Notice of Inspection (NOI) to Eric Ferguson. I explained the complaint to Mr. Ferguson. He admitted to me he made some pesticide applications for mosquito control in 2014. He then told me he had taken the Purdue Pesticide Program Core class and category 8 (mosquito) class, but he failed to apply for his applicator license and/or his business license.
3. Mr. Ferguson told me he made one pesticide application of **Cyzmic CS** (EPA #53883-261; **active ingredient:** lambda-cyhalothrin) in 2014 at the following locations:
 - Ron Diller 52585 County Road 35, Bristol, Indiana
 - Brodie Delcamp 609 Lexington Drive, Goshen, Indiana
 - Don Ferguson 17200 Institutional Drive, Goshen, Indiana
 - Heather Kwilinski 57273 State Road 15, Goshen, Indiana
 - Andrea Moseij 51877 Columbine Drive, Granger, Indiana
 - Ken Horvath 63670 Mulberry Road, South Bend, Indiana
4. I checked with OISC Licensing Section. According to the Licensing Section, Mr. Ferguson is certified in category 8 (mosquito) but not licensed. His certification expires December 31,

2017. I issued an “**Action Order**” to Eric Ferguson. The “**Action Order**” stated, “*Under I.C. 15-16-5-65(6), you are ordered to cease all pesticide applications until properly licensed*”.



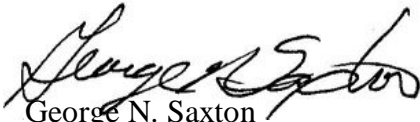
Kevin W. Gibson
Investigator

Date: January 30, 2015

Disposition: Eric Ferguson was cited for six (6) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,500.00 (6 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$1,125.00. Consideration was given to the fact Mr. Ferguson cooperated during this investigation.

It should be noted as of February 11, 2015; Mr. Ferguson still had not applied for a license.

As of July 22, 2015, Eric Ferguson had not paid the civil penalty. The case was forwarded to the Office of Indiana Attorney General for collection of the unmitigated amount of \$1,500.00 and the licenses for Eric Ferguson and Mosquito Blocker were suspended.



George N. Saxton
Compliance Officer

Draft Date: February 11, 2015

Final Date: July 22, 2015

CASE SUMMARY

Case #2015/0480

Complainant: Office of the Indiana State Chemist (OISC)
175 S University Street
West Lafayette, IN 47907-2063
800-893-6637

Manufacturer: Optimal Chemical, Inc.
www.mycleaningproducts.com
1830 Radius Drive, Suite #614
Hollywood, FL 33020

1. On January 12, 2015, I was asked to investigate a product called Bed Bug Bully that was being sold on the internet at www.amazon.com. Bed Bug Bully was suspected to have registration issues.
2. On January 14, 2015, I went to the website listed above and found the following.

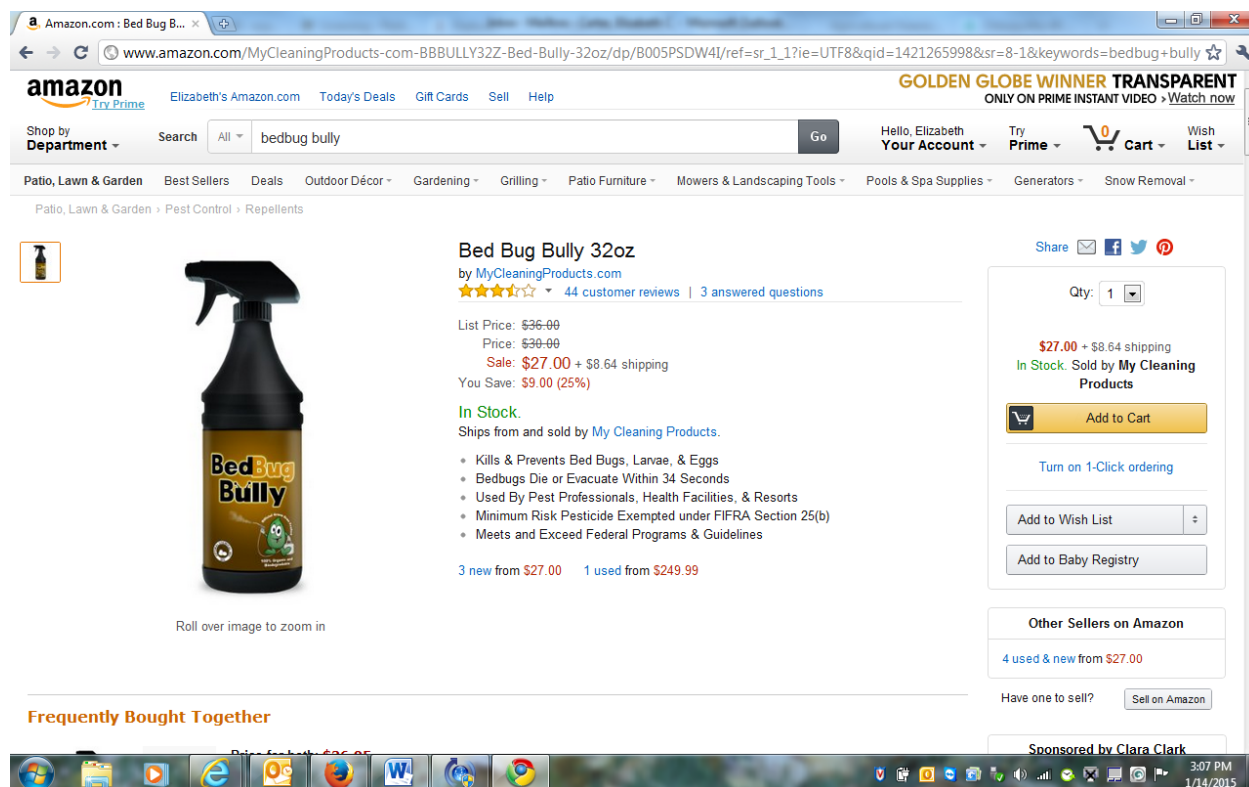


Fig 1: Product info

3. Later that same day, I ordered the Bed Bug Bully product.

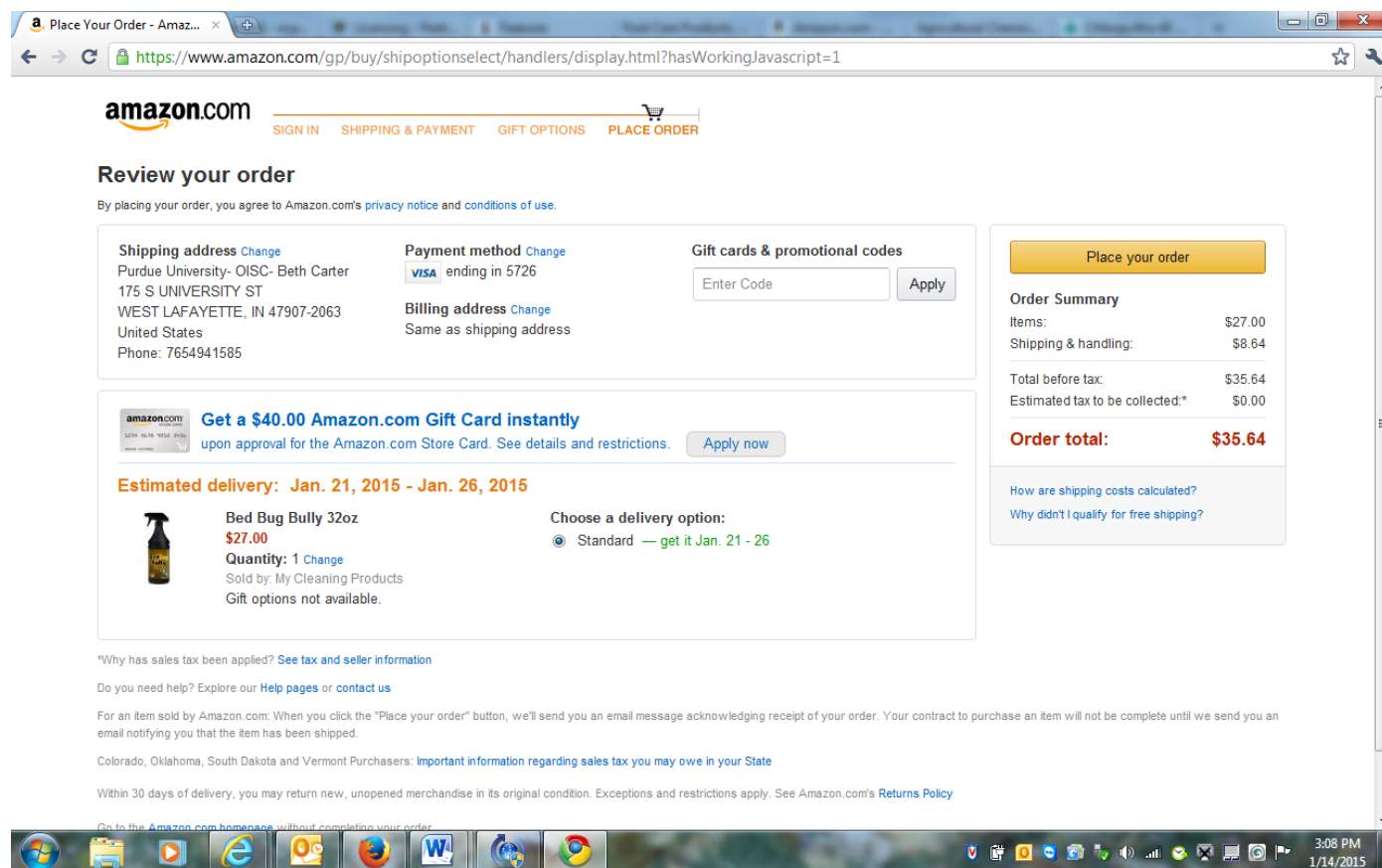


Fig 2: Order info

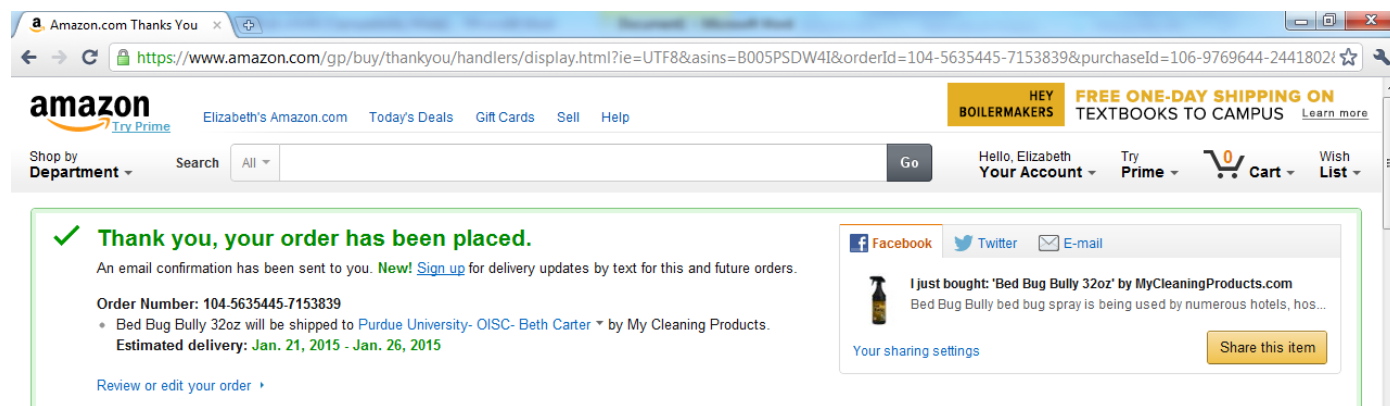


Fig 3: Receipt

4. The order arrived at the Office of the Indiana State Chemist (OISC) via UPS Ground on January 26, 2015. The order number was 104-5635445-7153839. I then attached a sample collection number of 2015-0905 to the Bed Bug Bully.



Fig 4: Product



Fig 5: Ingredient list

- Upon receiving the Bed Bug Bully, I reviewed the product information. I noticed it was not federally registered but rather classified as 25b minimum risk pesticide. I then verified that the product met the federal qualifications to be classified as a 25b minimum risk pesticide. Although the Bed Bug Bully was federally exempt from registration, it still had to be state registered in Indiana. A check of the OISC database indicated that Bed Bug Bully was not registered for sale or use in Indiana.

Elizabeth C. Carter

Elizabeth C. Carter
Pesticide Investigator

Date: April 7, 2015

Disposition: Optimal Chemical, Inc. was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide that was not registered in the state of Indiana. A civil penalty in the amount of \$250.00 was assessed for this violation.

As of July 23, 2015, Optimal Chemical, Inc. had not paid the civil penalty. The case was forwarded to Purdue for collection of the civil penalty.

George N. Saxton

George N. Saxton
Compliance Officer

Draft Date: April 17, 2015
Final Date: July 23, 2015

CASE SUMMARY

Case #2015/0553

Complainant: Office of the Indiana State Chemist (OISC)
175 S University Street
West Lafayette, IN 47907-2063
800-893-6637

Manufacturer: Active Research LLC
1110 29th Street N.
St. Petersburg, FL 33713
www.bedbugpowder.com

1. On February 25, 2015, I was asked to investigate a product, Bed Bug Powder that was being sold on the internet at www.bedbugpowder.com. It was suspected to have issues with registration.
2. On February 27, 2015, I went to the website listed above and found the following.

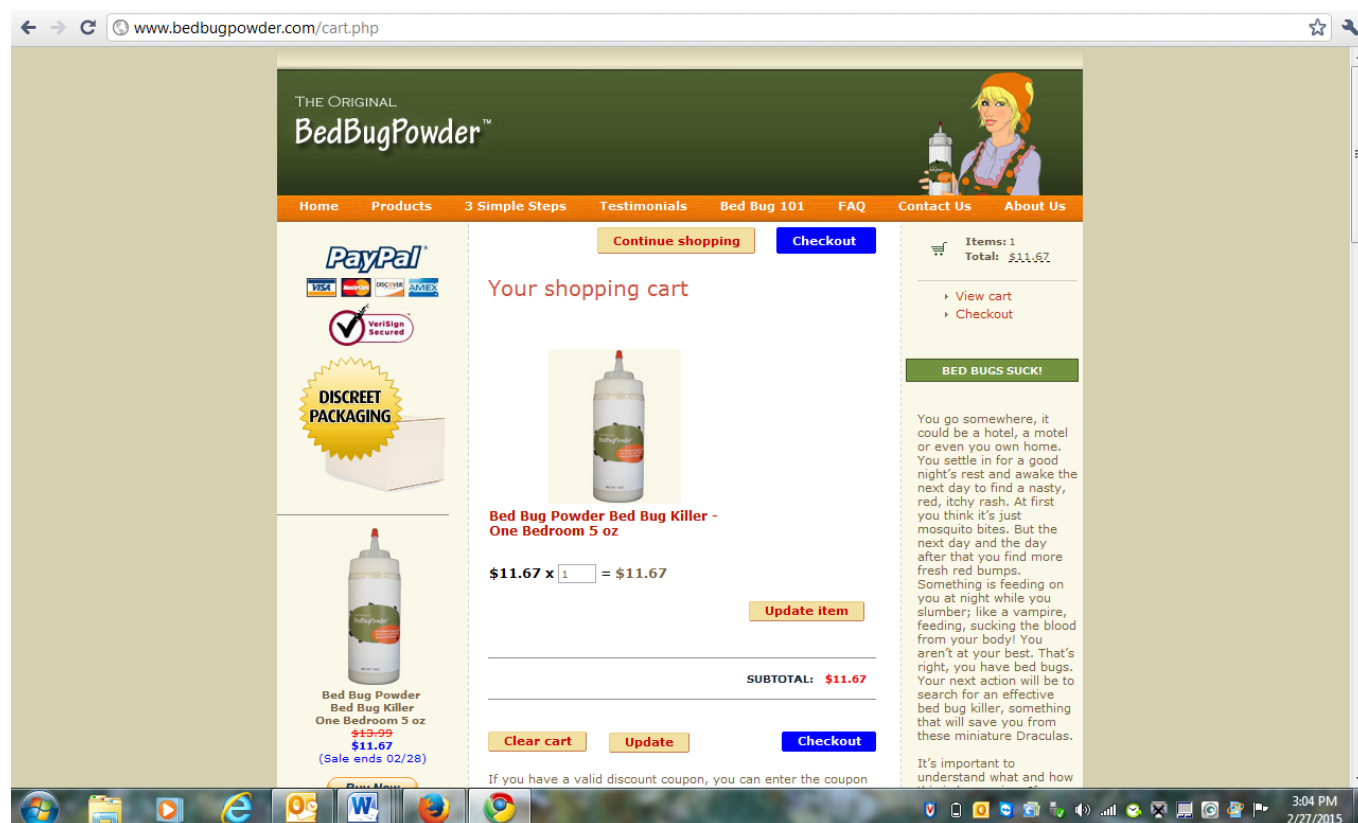


Fig 1: Product info

3. Later that same day, I ordered the Bed Bug Powder.

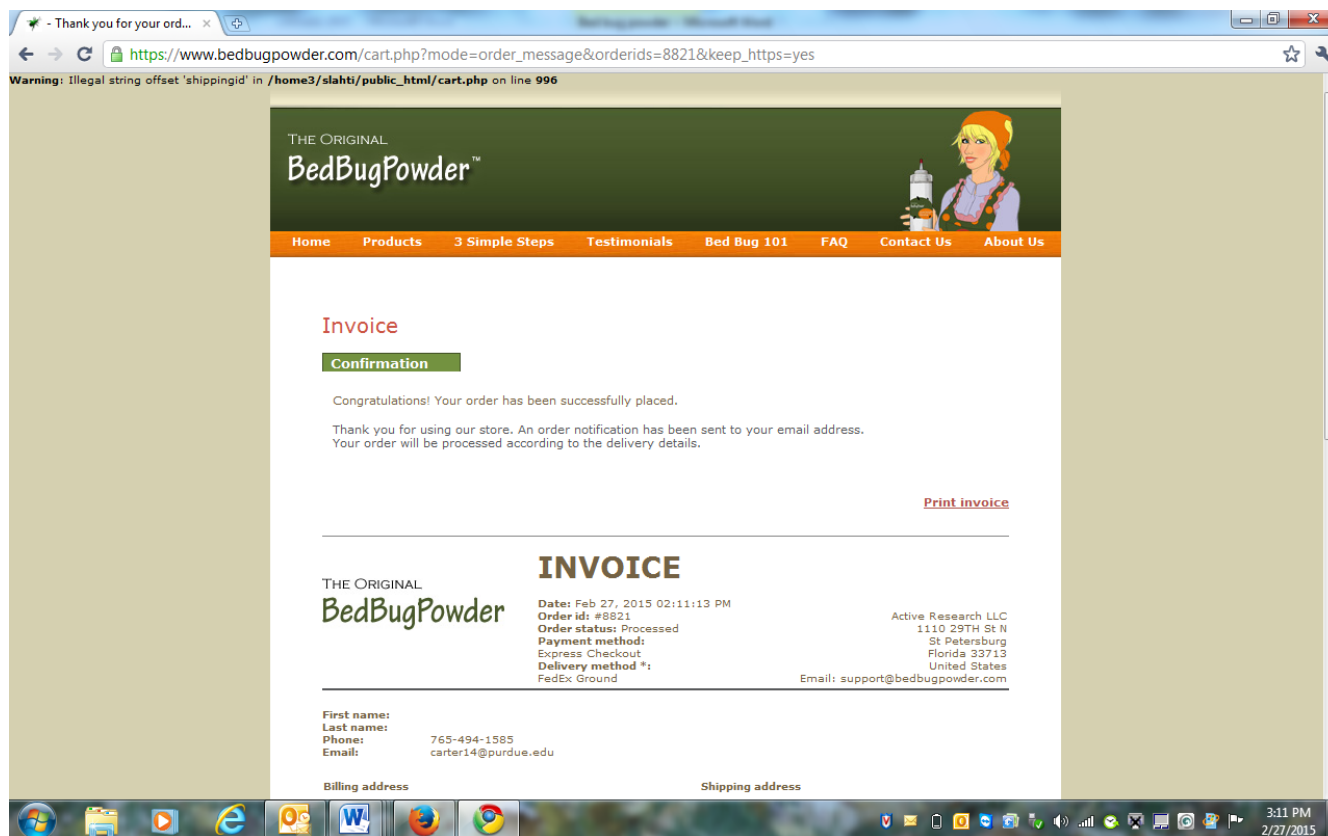


Fig 2: Order info

4. The order arrived at the Office of the Indiana State Chemist (OISC) via United States Postal Service (USPS) on March 3, 2015. The order number was 8821. Natalie Wilson, OISC Formulation Chemist, took possession of the Bed Bug Powder and stored it in a locked cabinet until I was able to formally collect the sample.
5. On March 11, 2015, I took possession of the Bed Bug Powder. I then attached a sample collection number of 2015-0909 to it and filled out the *Pesticide Sample Collection Report*. I then submitted it back to the OISC Formulation Laboratory.



Fig 3: Front Panel/Sample#

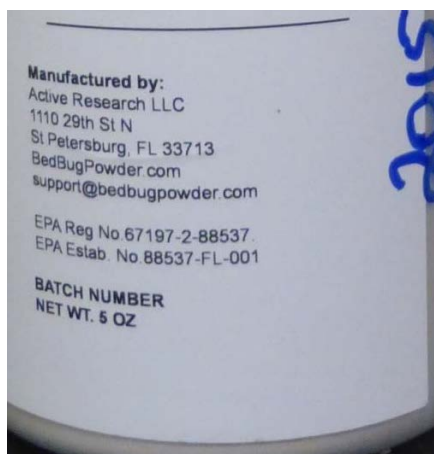


Fig 4: EPA Reg

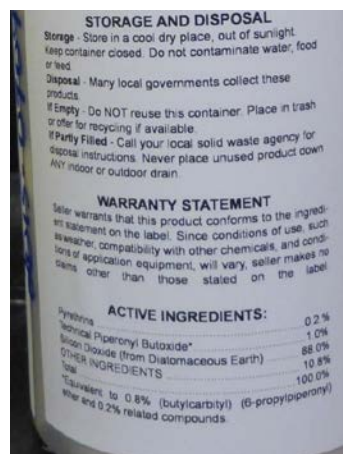


Fig 5: Ingredient List

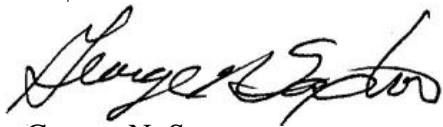
6. Upon receiving the Bed Bug Powder, I reviewed the product information. I verified that the product was federally registered. However, a check of the OISC database indicated that Bed Bug Powder was not registered for sale or use in Indiana.



Elizabeth C. Carter
Pesticide Investigator

Date: April 7, 2015

Disposition: Active Research LLC was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a state un-registered pesticide product. A civil penalty in the amount of \$250.00 was assessed for this violation.



George N. Saxton
Compliance Officer

Draft Date: April 17, 2015

Final Date: June 12, 2015

CASE SUMMARY

Case #2015/0643

Complainant: Office of Indiana State Chemist (OISC)
175 S. University Street
West Lafayette, Indiana 47907
(765) 494-1585

Respondent: Thomas Strubinger
Thomas Strubinger Pioneer Rep.
1955 S. SR 71
Dana, Indiana 47847
765-665-3725

1. On March 25th, 2015, I, Agent Brian Baker of OISC, conducted a facility inspection of the Thomas Strubinger Pioneer Seed business in Dana, Indiana. The Thomas Strubinger Pioneer Seed treating business is a “For Hire” pesticide business. The following areas were inspected.
 - Licensing and Insurance
 - Record Keeping
 - Storage of pesticide products
2. I made contact with Thomas Strubinger. I identified myself verbally and with OISC credentials. I stated my purpose and issued Mr. Strubinger a Notice of Inspection. I asked Mr. Strubinger if he was a “for hire” pesticide business which offered pesticide applications to agricultural seed crop. Mr. Strubinger verified verbally that he did offer pesticide applications to agricultural seed products to the general public. The photos in fig. 1-4 were taken at The Strubinger facility.



Fig. 1



Fig. 2



Fig. 3



Fig. 4

- Figure 1 is the Strubinger business sign at the front of business near the end of the driveway.
 - Figure 2 is the Seed treating business building.
 - Figure 3 is the Seed Treater inside the building seen in fig. 2
 - Figure 4 is a photo of some of the pesticides used in the for hire seed business.
3. I asked Mr. Strubinger for his OISC business license and certified applicator's license. Mr. Strubinger told me he was not licensed through OISC. I issued Mr. Strubinger a Stop Action Order

to stop all for hire pesticide applications until properly licensed by OISC. I explained the licensing requirement to Mr. Strubinger and showed him on the OISC website where he could locate the necessary forms and study material needed for testing.

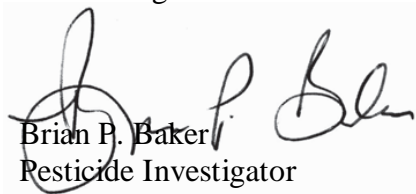
4. I asked Mr. Strubinger how long he had offered for sale, agricultural crop seed products with pesticides. Mr. Strubinger indicated it had been just for 2013/2014 and added the reason he got into the business was so he could treat his own seed and his own seed represented the bulk of what he treats. I told Mr. Strubinger I would need a list of all the dates he made pesticide applications to agricultural crop seed for hire. I told him the list needed to include the date, the units treated, the treatment or pesticides used and the name and address of the customer it was delivered to or picked up by.

5. On Thursday April 2, 2015, I received the following records from Mr. Strubinger:

DATE	NUMBER OF UNITS TREATED	PESTICIDES APPLIED	CUSTOMER NAME AND ADDRESS
4-15-13	405	FST/IST*	DARRELL MORGAN 3966 N 300 W Cayuga, IN. 47928
“	775	FST*	DAVID DUNHAM 181 W 700 N Cayuga, IN. 47928
“	695	FST/IST*	KELLY CHEESEWRIGHT 23320 E 195 th Rd Dana, IN. 47847
“	45	FST/IST*	HELEN WHITED PO Box 376 Cayuga, IN. 47928
4-28-14	330	FST/IST*	WESCH FARM 2843 W 310 N Cayuga, IN. 47928
“	390	FST/SIT*	MORGAN BROS same as Darrell Morgan
“	260	FST/IST*	JERRY DOWNS 1179 S 300 W Dana, IN. 47847
“	87	FST/IST*	HELEN WHITED same as above
“	953	FST/IST*	DUNHAM FARMS same as David Dunham

- *FST-Evergol, EPA Reg# 264-1122, Active Ingredient=prothiocanzole 7.18%, penflufen 3.59%, metalaxyl 5.74%.
- *FST/IST-Evergol, EPA Reg# 264-122, Active Ingredient=prothiocanzole 7.18%, penflufen 3.59%, metalaxyl 5.74%, Gaucho EPA Reg# 264-968 Active Ingredient=imidacloprid 48.7%.


6. In this case there were two days where pesticide products were applied to agricultural crop seed for hire without the proper licensing by OISC. The pesticide products used are listed at the bottom of the chart in paragraph 5 of this report. It should be noted Mr. Strubinger cooperated in this investigation and is currently engaged in the necessary steps to become properly licensed by OISC.



Brian P. Baker
Pesticide Investigator

Date: April 6, 2015

Disposition: Thomas Strubinger was cited for two (2) violations of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$500.00 (2 counts x \$250.00 per count) was assessed.



George N. Saxton
Compliance Officer

Draft Date: April 17, 2015

Final Date: June 12, 2015

CASE SUMMARY

Case #2015/0646

Complainant: Office of Indiana State Chemist (OISC)
175 S. University Street
West Lafayette, IN 47907
765-494-1585

Respondent: David Gerig
Pond A River Golf Club
26025 River Road
Woodburn, IN 46797
260-632-5481

1. On March 26, 2015, I made contact with Mr. David Gerig, owner of Pond A River Golf Club, to conduct a golf course inspection. Mr. Gerig stated he had recently purchased the golf course over the past year. He stated the previous certified applicator had passed away and he had no idea what records if any she had. He stated he had made some pesticide applications himself over the past year. I asked if he was a certified applicator and he stated he was not. I advised him he would either have to get certified himself, have another employee certified or hire an outside licensed company to come in and make the pesticide applications. He stated he was just learning about running a golf course and he would look in to getting certified himself.
2. I asked Mr. Gerig if he maintained any records of the pesticide applications he made. He stated he did have records. He provided me with the records, which only had the date, weather conditions, location of application and chemical used. I provide him with a copy of what was needed on the records for all pesticide applications.
3. The records showed Mr. Gerig made pesticide applications of Armor Tech CLT 720 fungicide EPA reg # 66222-154 with the active ingredient chlorothalonil, on September 5 and 15, 2014 and on November 12, 2014. I issued a STOP ACTION ORDER to Mr. Gerig, ordering him to cease all pesticide applications until obtaining proper certification through the Office of Indiana State Chemist.



Robert D. Brewer
Investigator

Date: April 27, 2015

Disposition: Pond A River Golf Club was cited for three (3) counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-2, for applying

pesticides to a golf course without having a category 3b commercial applicator license. A civil penalty in the amount of \$750.00 (3 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$375.00. Consideration was given to the fact Mr. Gerig cooperated during the investigation; there was no previous history of similar nature and no restricted use pesticides were involved.

Pond A River Golf Club was warned for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-15-4, for failure to keep and maintain all required records of pesticide applications.


George N. Saxton
Compliance Officer

Draft Date: May 15, 2015
Final Date: June 12, 2015

CASE SUMMARY

Case #2015/0651

Complainant: Anonymous

Respondent: Jason Wall
Vicki Vespo-Preston
Bugs B Gone
170 White Oaks Dr.
Fishers, IN 46038
317-945-2965


Registered Technician
Certified Supervisor

1. On March 23, 2015, the Office of Indiana State Chemist (OISC) received an anonymous email that alleged that mouse bait blocks were thrown into the closet of an apartment for the control of mice at the Mann Village Apartments without being contained in a tamper resistant container. See figure 1.



Figure 1-Bait blocks in corner of closet

2. On April 6, 2015, I met with Vanessa Turner, Property Manager for the Mann Village Apartments located on Mann Village Road in Indianapolis, Indiana. Ms. Turner stated Bugs B Gone services the apartments. Ms. Turner stated she would forward invoices to me from Bugs B Gone. To date, I have not received invoices from Ms. Turner.
3. On April 6, 2015, I spoke with Vicki Vespo-Preston, certified Supervisor for Bugs B Gone. I requested invoices for pesticide applications to the Mann Village Apartments where mice were the target pest. From the invoices submitted by Mrs. Vespo-Preston, I was able to narrow down the application date to 12/12/2014, Invoice #21354, applicator Jason Wall. See figure 2.



Bugs B Gone
170 White Oaks DR
Fishers, IN 46038
317-945-2965

Service Slip / Invoice

INVOICE:	21354
DATE:	12/12/2014
ORDER:	21354

Bill To: 100315
Mann Village Apartments
4010 Mann Village Rd
Indianapolis, IN 46221-2562

Work Location:

100315
Mann Village Apartments
4010 Mann Village Rd
Indianapolis, IN 46221-2562

Work Date	Time	Target Pest	Technician	Time In
12/12/2014	11:48 AM	GENERAL	JASON	11:48 AM

Purchase Order	Terms	Last Service	Map Code	Time Out
	NET 30	4/9/2015		1:07 PM

Quantity	Service	Description	Unit Price	Amount
4.00	PC-WEEKLY	Weekly Pest Control	10.00	\$40.00
1.00	BEDBUGS 2	Bedbugs 2nd of 3 treatments	0.00	\$0.00
1.00	BEDBUGS 1	Bedbugs 1st of 3 treatments	375.00	\$375.00
Building three unit eight treated for mice				
Building 14 unit 197 treated for mice				
Building 22 unit 33 treated for mice				
Building 22 unit 91 second bedbug treatment				
Building 22 unit 92 treated for mice and general pests				
Building 27 unit 153 first bedbug treatment				
SUBTOTAL				\$415.00
TAX				\$0.00
TOTAL				\$415.00
AMT. PAID				\$415.00
BALANCE				\$0.00

Figure 2- Invoice 21354

4. On April 9, 2015, I met with Jason Wall, registered technician, and Vicki Vespo-Preston, at Bugs B Gone in Fishers, Indiana. Mr. Wall stated he could not remember the specific date or application, but stated the application was probably him because he used bait blocks on 12/12/2014. However, Mr. Wall stated he puts bait blocks in a tamper resistant container. Upon my leaving from the meeting with Mr. Wall, I told him if he remembered anything of importance to contact me.
5. On April 9, 2015, Mr. Wall contacted me stating he had placed Contrac All Weather Blox, (EPA Reg. # 12455-79, active ingredient bromadiolone) in the closet at the Mann Village Apartments without being secured in a tamper resistant container. See figure 3.

From: JASON <jasonwall@comcast.net>
Sent: Thu 4/9/2015 10:09 AM

To: kelleyj@purdue.edu
 Cc: jasonwall@Comcast.net
 Subject: Mouse Bait

Jay,

After our conversation on April 9, 2015 I do in fact remember placing the mouse bait in the closet of a unit at Mann Village Apartments. This is not my normal practice nor the practice of Bugs B Gone. I do apologize for your involvement in this matter.

If you need to contact me in regards to this matter please feel free to contact me on my personal cell phone at 317 628 5903.

Thank you,
 Jason Wall

Figure 3 –Email from Jason Wall

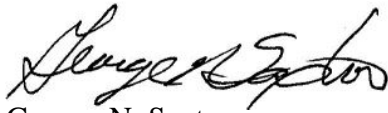
6. Label language for Contrac All-Weather Blox state in part, *"Apply bait in locations out of reach of children, pets, domestic animals and nontarget wildlife, or in tamper-resistant bait stations."* *"Do not broadcast bait."*



Paul J. Kelley
Investigator

Date: April 21, 2015

Disposition: Jason Wall and Vicki Vespo-Preston were cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding placement of bait. A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact this was Ms. Vespo-Preston's first violation, but there was a potential for human harm.



George N. Saxton
Compliance Officer

Draft Date: May 12, 2015

Final Date: June 12, 2015

CC

Vanessa Turner
Mann Village Apartments
4010 Mann Village Rd.
Indianapolis, IN 46221
317-241-2228

CASE SUMMARY

Case #2015/0655

Complainant: Office of Indiana State Chemist (OISC)
175 S. University Street
West Lafayette, Indiana 47907
(765) 494-1585

Respondent: Michael Cuskaden Owner
Cuskaden Seeds
2136 CR 120 E.
Greensburg, Indiana 47240
(812) 593-1864

1. On Friday March 27, 2015, I, Agent Brian Baker of OISC, conducted a facility inspection of Cuskaden Seeds, a “for hire” pesticide application business which offers pesticide applications on agricultural crop seed to the general public. The following areas were inspected.
 - Licensing and Insurance
 - Records keeping
 - Storage of pesticide products
2. I met with the owner of Cuskaden Seed, Michael Cuskaden. I identified myself verbally and with OISC credentials. I issued a notice of inspection and stated the purpose for the inspection. I asked Mr. Cuskaden if he was a “for hire” business which offered pesticide applications to agricultural crop seed to the general public. Mr. Cuskaden told me that he was a for hire business. I asked Mr. Cuskaden for his OISC business license and certified applicators license. Mr. Cuskaden told me he was not licensed by OISC. I issued Mr. Cuskaden a Stop Action order to stop all for hire pesticide applications until properly licensed by OISC. I explained the OISC licensing requirements to Mr. Cuskaden and he told me he was familiar with them and had completed the process for licensing and mailed in all his paperwork with the related fees. I checked on the status of that paperwork and found Mr. Cuskaden sent the wrong insurance forms. Mr. Cuskaden will work to get the proper forms submitted. The photos in figures 1-3 are of the Cuskaden Seeds facility.



Fig. 1



Fig. 2



Fig. 3

- Figure 1 is The Cuskaden Seeds business sign located at the front of the business at the end of the driveway.
- Figure 2 is the building which houses the Cuskaden Seeds business.
- Figure 3 is a photo of the bulk seed storage bins for soybean seed which are indicative of an attached seed treating facility.

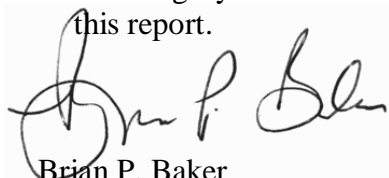
3. I asked Mr. Cuskaden how long he had been treating agricultural crop seed with pesticides for hire. Mr. Cuskaden told me he had been treating seed since 2013. Mr. Cuskaden told me he had not treated any seed this year. I told Mr. Cuskaden I would need a copy of all of his records for 2013 and 2014. I told Mr. Cuskaden the records needed to include the date, number of units treated, the pesticides applied and the name and address of the customer.

4. On Monday March 30, 2015, I received the following records from Mr. Cuskaden:

DATE	NUMBER OF UNITS TREATED	PESTICIDE PRODUCTS USED	NAME AND ADDRESS OF THE CUSTOMER
4-4-13	1770	*	John Davis 6652 W Base Rd Greensburg, IN. 47240
“	400	*	Kingdom Farms 864 E CR 650 N Greensburg, IN. 47240
“	523	*	Steve Meyer 26180 W Hamburg Rd Oldenburg, IN. 47036
4-9-13	810	*	Ag Productions 6564 W CR 100 N Greensburg, IN. 47240
“	1940	*	Four Way Production 10795 S CR 60 SW Greensburg, IN. 47240
“	525	*	Harold Wilson 5117 W CR 300 N Greensburg, IN. 47240
4-16-13	1848	*	Oin-Kin Acres 8642 W SR 46 Greensburg, IN. 47240
“	322	*	Brian Huber 5827 W CR 700 N Saint Paul, IN. 47272
4-24-13	340	*	Jim Coy 603 W CR 500 N Greensburg, IN. 47240
“	683	*	Decatur Farms 1317 W CR 250 W Greensburg, IN. 47240

3-31-14	640	*	Ag Production
"	1575	*	John Davis
"	641	*	Harold Wilson
4-2-14	160	*	Harry Fox 3056 Merrell Rd Brookville, IN. 47012
"	1909	*	Oin-Kin Acres
"	1705	*	Four Way Productions
"	615	*	Decatur Farms
4-15-14	280	*	Jim Coy
"	492	*	Brian Huber
"	844	*	Kingdom Farms 864 E CR 650 N Greensburg, IN. 47240
"	382	*	Steve Meyer

5. In this case there are seven days of unlicensed pesticide applications for hire made between 4-4-13 and 4-15-14 using the pesticide products noted in paragraph 4 of this report. It should be noted Mr. Cuskaden cooperated and has taken the necessary steps to obtain the proper licensing by OISC. Mr. Cuskaden has submitted all of his paperwork and fees at the time of this report.



Brian P. Baker
Pesticide Investigator

Date: April 6, 2015

Disposition: Michael Cuskaden was cited for seven (7) counts of violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,750.00 (7 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$1,312.50. Consideration was given to the fact Mr. Cuskaden cooperated during the investigation.



George N. Saxton
Compliance Officer

Draft Date: April 17, 2015

Final Date: June 12, 2015

CASE SUMMARY

Case #2015/0657

Complainant: Office of Indiana State Chemist (OISC)
175 S. University Street
West Lafayette, IN 47907
800-893-6637

Respondent: Nathan Young
R&S Landscaping
1042 Summerway Drive
Shelbyville, IN 46176
317-714-4335

Unlicensed Applicator
Unlicensed Business

1. On March 30, 2015, I conducted a Use Inspection with Nathan Young of R&S Landscaping. Mr. Young was applying LESCO DIMENSION 0.15% PLUS FERTILIZER, EPA Reg. #10404-86, active ingredient dithiopyr. See figure 1 and 2.



Figure 1-Mr. Young applying pesticides



Figure 2-Service vehicle

2. Mr. Young stated he did not have his credential on him at the time of my inspection. Further investigation and search of OISC's database revealed Mr. Young's Category 3B credential expired at the end of 2014. Furthermore, R&S Landscaping has not had a Business License since the end of 2012.
3. Mr. Young stated this was his first day out making pesticide applications. See figure 3.



Figure 3- Invoice

4. On March 30, 2015, Mr. Young was issued a Stop Action Order to cease making for-hire pesticide applications without a license.



Paul J. Kelley
Investigator

Date: April 1, 2015

Disposition: Nathan Young was cited for violation of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$250.00 was assessed for this violation.



George N. Saxton
Compliance Officer

Draft Date: April 3, 2015
Final Date: June 12, 2015

CASE SUMMARY


Case # 2015/0669

Complainant: Office of Indiana State Chemist (OISC)
175 S. University Street
West Lafayette, IN 47907-2063

Business: Crop Production Services Unregistered Restricted Use Dealer
Jarrod Moss Manager
P.O. Box 22879
Owensboro KY, 42304

1. The Office of Indiana State Chemist received an application for a restricted use pesticide dealer registration (RUD) on March 31, 2015, from the above company. In October of 2014, we sent a renewal to the company, as they had a 2014 dealer registration. We received no response.
2. January 28, 2015, certified mail was sent to the business, reminding them that they had not renewed their dealer registration. The certified mail was picked up and signed for by Kristina Collins on February 3, 2015.
3. I contacted the applicant, David Turnipseed, on April 1, 2015. I explained that due to the lack of response and not having renewed the credential by December 31, 2014, late fees in the amount of \$45 was owed. Mr. Turnipseed stated that Crop Production Services had distributed restricted use pesticides into Indiana from January 1, 2015 to April 1, 2015. I advised Mr. Turnipseed that until the necessary fees were received by this office, the company could not distribute restricted use pesticides into Indiana. I also advised Mr. Turnipseed that this office requested records of the restricted use pesticides distributed into Indiana during the violative period (Jan. 1, 2015-April 1, 2015).
4. I had subsequent conversations with Jarrod Moss, the manager who oversees distribution at the above facility. Mr. Moss immediately sent the requested distribution records. Mr. Moss also dispatched Mr. Turnipseed to OISC with the fees to pay for the company RUD. Mr. Moss has also named himself as the contact for future mailings to insure they do not get misplaced.
5. The distribution records showed that restricted use pesticides were distributed into Indiana on a total of 16 days during the period that Crop Production Services did not have a dealer registration.

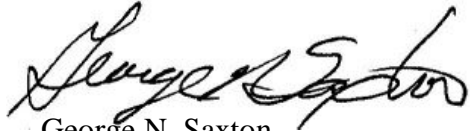
6. Copies of distribution records, certified mail, certified receipt and application for dealer registration have been placed in the case file.



Leo A. Reed
Licensing & Certification Manager

Date: April 8, 2015

Disposition: Crop Production Services was cited for sixteen (16) violations of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 357 IAC 1-3-3, for distributing restricted use pesticides without having a dealer registration. A civil penalty in the amount of \$4,000.00 (16 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$1,400.00. Consideration was given to the fact Crop Production Services cooperated during the investigation; corrective action was taken and there was no previous history of similar nature.



George N. Saxton
Compliance Officer

Draft Date: April 17, 2015

Final Date: May 13, 2015

CASE SUMMARY

Case #2015/0700

Complainant: Office of the Indiana State Chemist (OISC)
175 S University Street
West Lafayette, IN 47907-2063
800-893-6637

Dealer: Rural King
8801 US-24
Fort Wayne, IN 46804
(260) 432-0040

Registrant: Polyguard Products Division
Gene Pincus
Zecol Products Company
4635 Willow Drive
Medina, MN 55340

1. On April 13, 2015, Agent Joe Becovitz and I performed a routine marketplace inspection at Rural King in Fort Wayne, Indiana. I spoke with the manager, Mr. Doug Williams.
2. Upon reviewing the pesticides available for sale at Rural King, I found the following product, Clear Xtreme Pro Pool Shock with an EPA registration number of 67649-1-73785. Upon searching both the OISC and USEPA pesticide registration databases, it appeared that Clear Xtreme Pro Pool Shock was not state registered for sale or distribution as a pesticide. I then collected a sample of the Clear Xtreme Pro Pool Shock. I attached a sample collection number of 2015-0910 to it.



Fig 1



Fig 2

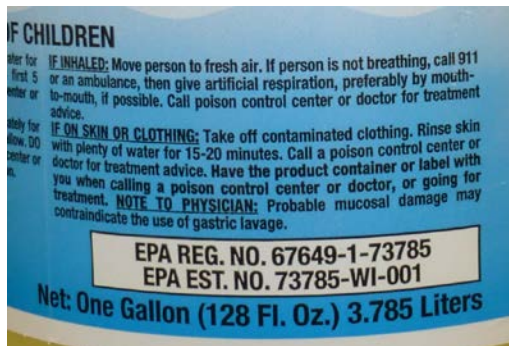


Fig 3

3. I then collected shipping records for the Clear Xtreme Pro Pool Shock from Mr. Williams. He stated the store received the pesticide on April 9, 2015; the invoice number was 403247. I also put the Clear Xtreme Pro Pool Shock under *Stop Sale Use Order Removal* (SSURO.)
4. Later that same day, I turned in the sample to the OISC Formulation Lab.
5. The OISC Formulation Lab reported the Clear Xtreme Pro Pool Shock met its label guarantee.



Elizabeth C. Carter
Pesticide Investigator

Date: April 15, 2014

Disposition: Polyguard Products Division was cited for violation of section 57(1) of the Indiana Pesticide Registration Law for distributing a pesticide that was not registered in the state of Indiana. A civil penalty in the amount of \$250.00 was assessed for this violation.



George N. Saxton
Compliance Officer

Draft Date: May 8, 2015
Final Date: June 12, 2015

CASE SUMMARY

Case #2015/0704

Complainant: Office of Indiana State Chemist (OISC)
175 S. University St.
W. Lafayette, IN 47907
800-893-6637

Respondent: Zack Bell
Robert Clippinger
Arrow Services, Inc. - FTW
4122 N. Wells St.
Ft. Wayne, IN 46808
260-483-8034


Certified Supervisor
Unlicensed Applicator

1. On April 13, 2015, I conducted a routine facility inspection at Arrow Services in Ft. Wayne, Indiana. During my inspection, I learned Robert Clippinger, employee of Arrow, made pesticide applications without being licensed.
2. Zack Bell, General Operations Manager, stated he was under the impression that as long as the individual passed the core exam he was able to make applications while waiting for his license. I explained, the applicator must be in possession of the OISC credential before he can make pesticide applications.
3. On April 14, 2015, Arrow emailed invoices for three (3) days Robert Clippinger made pesticide applications without a license.

4/3/15
Invoice #30074440

4/7/15
Invoice #30074628


4/8/15
Invoice #30074344


Paul J. Kelley
Investigator

Date: April 21, 2015

Disposition: Zack Bell was cited for three counts of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically, specifically 355 IAC 4-2-3, for failure to provide onsite supervision to a non-certified individual. A civil penalty in the amount of \$375.00 (3 counts x \$125.00 per count) was assessed.

As of May 8, 2015, Mr. Clippinger still had not received his license.


George N. Saxton
Compliance Officer

Draft Date: May 8, 2015
Final Date: June 12, 2015

CASE SUMMARY

Case #2015/0733

Complainant: Office of Indiana State Chemist (OISC)
175 S. University St.
W. Lafayette, IN 47907
800-896-6637

Respondent:	Lady Bug Exterminators Inc.	Licensed Business
	Steven West	Certified Applicator
	Ron Dose	Unlicensed Applicator
	Barry Heiser	Unlicensed Applicator
	404 E. Till Rd	
	Fort Wayne, IN 46825	
	260-490-8054	

1. On April 14, 2015, I conducted a records inspection at Lady Bug Exterminators Inc. in Fort Wayne, Indiana. I spoke with Steven West, certified applicator. While speaking with Mr. West, he stated he had two (2) additional applicators who worked for him making pesticide applications; Ron Dose and Barry Heiser. A check of OISC's database indicated Ron Dose and Barry Heiser were not licensed or credentialed. Mr. West stated he believed all Ron Dose and Barry Heiser needed was to be in voice communication. I explained that would be correct if they were Registered Technicians.
2. I requested Mr. West provide invoices of all pesticide applications made by Mr. Dose and Mr. Heiser for the last five (5) years.
3. On April 14, 2015, Mr. West faxed all invoices of pesticide applications performed by Mr. Dose and Mr. Heiser. The invoices consisted of customer names and addresses where for-hire pesticide applications were made. On a separate page, Mr. West wrote the names of the pesticide products used during specific months. However, no EPA Registration numbers were given.
 - A. March – Intice
 - B. April – Termidor SC or Taurus SC
 - C. May – Talstar Pro or Cross Check plus
 - D. June – Intice
 - E. July – Transport Mikron
 - F. August - Talstar Pro or Cross Check plus
 - G. September - Talstar Pro or Cross Check plus
 - H. October - Talstar Pro or Cross Check plus
 - I. November – Intice

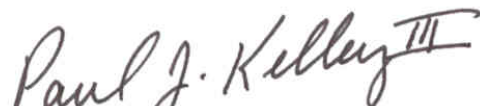
4. The following are the dates Mr. Dose made for-hire pesticide applications without a license:

3/7/11	8/4/11	4/17/12	7/11/12	6/6/13	5/6/14	8/15/14
3/8/11	8/5/11	4/18/12	7/12/12	6/7/13	5/7/14	8/18/14
4/6/11	8/9/11	4/19/12	7/12/12	7/5/13	5/8/14	9/3/14
4/13/11	8/10/11	5/2/12	7/16/12	7/11/13	5/13/14	9/5/14
4/14/11	10/11/11	5/8/12	8/2/12	7/12/13	6/5/14	9/8/14
4/18/11	1/11/12	5/15/12	8/3/12	7/15/13	6/6/14	9/9/14
5/4/11	3/6/12	5/16/12	10/8/12	7/16/13	6/12/14	9/12/14
5/5/11	3/7/12	5/17/12	10/9/12	7/17/13	6/17/14	11/3/14
6/6/11	3/9/12	6/4/12	10/12/12	7/18/13	7/3/14	11/5/14
6/14/11	4/3/12	6/5/12	10/16/12	3/18/14	7/9/14	3/16/15
7/6/11	4/4/12	6/6/12	11/2/12	4/9/14	7/10/14	4/6/15
7/7/11	4/5/12	6/11/12	5/2/13	4/11/14	7/15/14	
7/14/11	4/11/12	6/12/12	5/3/13	4/16/14	7/16/14	
7/15/11	4/12/12	7/2/12	6/3/13	4/17/14	8/8/14	
8/2/11	4/15/12	7/10/12	6/4/13	5/5/14	8/13/14	

5. The following are the dates Mr. Heiser made for-hire pesticide applications without a license:

6/6/14	7/3/14	8/7/14	8/25/14	10/1/14	10/8/14
6/9/14	7/9/14	8/14/14	8/28/14	10/21/14	10/17/14
6/12/14	7/10/14	8/15/14	9/4/14	10/1/14	10/21/14
6/16/14	8/6/14	8/20/14	9/5/14	10/2/14	

6. Mr. Dose made for-hire pesticide applications on 101 days without a license. Mr. Heiser made for-hire pesticide applications on 23 days (three of those days were the same days as when Mr. Dose applied) without a license.


Paul J. Kelley
Investigator

Date: May 8, 2015

Disposition: Steven West was cited for one hundred twenty-one (121) days of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to properly supervise a non-licensed employee. A civil penalty in the amount of \$15,125.00 (121 counts x \$125.00 per count) was assessed. However, the civil penalty was reduced to \$7,562.00. Consideration was given to the fact Mr. West cooperated during the investigation; corrective action was taken and no restricted use pesticides were involved.


George N. Saxton
Compliance Officer

Draft Date: May 15, 2015
Final Date: June 12, 2015

CASE SUMMARY

Case #2015/0797

Complainant: Office of Indiana State Chemist (OISC)
175 S. University Street
West Lafayette, Indiana 47907
(765) 337-9230

Respondent:	Andrew Royer	Certified Applicator
	Nick McDonald	Unlicensed Employee
	Landart, Inc.	
	3919 Stanton Drive	
	Fort Wayne, Indiana 46815	

(260) 5413-4881

1. On Monday April 13, 2015, I, Agent Brian Baker of OISC, observed s person at the Hampton Inn Suites in Fort Wayne, Indiana, applying a granular substance to the grassy areas with a ride-on motorized fertilizer/pesticide application machine. I noticed the side tanks on the motorized applicator had liquid in them. I followed the man around to the rear of the business and observed him pull up to and stop at a truck and trailer. The truck was marked on the doors with the business name "Landart Inc". I took several photographs (figs. 1-3).



Fig. 1



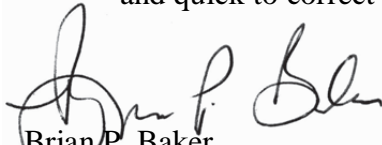
Fig. 2



Fig. 3

- Figure 1 is the motorized fertilizer/pesticide applicator. Note the liquid in the yellow side tank.
 - Figure 2 is the truck connected to the trailer used to transport the motorized fertilizer/pesticide applicator.
 - Figure 3 is the distinctive business sign (Landart INC.) on the door to the truck connected to the trailer in fig. 2.
2. I approached the young man who had been making the granular application with the motorized applicator. I identified myself verbally and with OISC credentials. I asked the young man what he was applying. The young man identified himself to me as Nick McDonald, an employee of Landart INC., and told me he had been applying 20-0-10 granular fertilizer. I asked Mr. McDonald what the liquid was in the tanks on the motorized applicator and he told me it was "Trimec" herbicide. I asked Mr. McDonald for his OISC credential and he advised me he did not have one and did not think he needed it if he was just applying the granular fertilizer.

3. Mr. McDonald called the owner of the company, Andrew Royer, and I was able to speak to Mr. Royer by phone. I asked Mr. Royer who his certified applicator of record was and he told me he was. I told Mr. Royer he would need to come and relieve Mr. McDonald because there was no direct supervision for him. A short time later, Mr. Royer came to my location and produced his OISC credential. Mr. Royer and his business "Landart INC." were properly licensed with OISC. I reminded Mr. Royer of the supervision requirements for non-credentialed personnel and advised him I would forward my report to the OISC Compliance Officer for disposition. Mr. Royer took control of the vehicles seen in fig. 1-3 of this report.
4. In this case there is one violation of a failure to properly supervise a non-credentialed person operating "for hire" in a category 3b business. The personnel were cooperative and quick to correct the violation.



Brian P. Baker
Pesticide Investigator

Date: April 17, 2015

Disposition: Andrew Royer was cited for one (1) count of violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-2, for failure to properly supervise a non-certified person. A civil penalty in the amount of \$125.00 was assessed for this violation.



George N. Saxton
Compliance Officer

Draft Date: May 1, 2015
Final Date: June 12, 2015

CASE SUMMARY

Case #2015/0810

Complainant: Office of Indiana State Chemist (OISC)
175 S. University Street
West Lafayette, Indiana 47907
(765) 494-1585

Accused:	Roger Simpson Simpson Seed Service 3193 Nation Road Mount Vernon, Indiana 47620 (812) 459-6588	Owner
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1. On Tuesday April 21, 2015, I, Agent Brian Baker of OISC, conducted an inspection of the Simpson Seed Service. The inspection covered the following areas:
 - Licensing and Insurance
 - Records Keeping
 - Storage of Pesticide products
2. I met with the owner of Simpson Seed Service, Roger Simpson. I identified myself verbally and with OISC credentials. I stated my purpose and issued a Notice of Inspection.
3. I took the following photographs at Simpson Seed Service:



Fig. 1



Fig. 2



Fig. 3

- Figure 1 is a photograph of the bulk seed bins at the Simpson Seed Services facility.
- Figure 2 is a fully functional agricultural crop seed treater. Center right is pesticide product stored on a wood pallet. The pesticide in this photo is; *Warrant EPA Reg# 524-591, active ingredient=acetochlor 33%*.
- Figure 3 is the seed tender used to convey the treated agricultural crop seed from the treater to the tender wagon. Note the green dye residue which is commonly used in treating agricultural crop seed.
- Figures 1-3 show items which are clearly indicative of an agricultural crop seed treating facility.

4. I spoke to Mr. Roger Simpson and asked if he was operating a “for hire” agricultural crop seed treating business. Mr. Simpson told me he was operating a “for hire” business which treated agricultural crop seed with pesticide products. I asked Mr. Simpson if he was licensed with OISC as a category 4 business. Mr. Simpson told me he was not licensed with OISC. I asked Mr. Simpson how long he had been treating agricultural crop seed with pesticides for hire. Mr. Simpson told me he had treated some in 2013 and in 2014 as well but had not treated any seed in 2015. I stopped the inspection and told Mr. Simpson I would return after he was properly licensed to conduct a new business inspection at that time. I issued a Stop Action Order which ordered Mr. Simpson to stop all “for hire” pesticide applications to agricultural crop seed until properly licensed by OISC.
5. I went over the licensing and insurance requirements for an OISC for hire pesticide business. I referred Mr. Simpson to the OISC website and provided my business card to him in the event he needed help navigating the OISC website. I told Mr. Simpson I would need his pesticide application records for 2013/2014. I asked Mr. Simpson to e-mail me the records and include the following information with his records.
 - Date of the pesticide applications.
 - The number of units treated.
 - The pesticide products used in the treatment.
 - The name and address of the customer.
6. On Wednesday 4-22-15, I received an e-mail with the pesticide application records I had requested from Mr. Simpson. The chart which follows is a record of the Simpson Seed Services pesticide applications made to agricultural crop seed for 2013/2014.

DATE	NUMBER OF UNITS TREATED	PESTICIDE PRODUCTS APPLIED	NAME AND ADDRESS OF THE CUSTOMER
5-1-13	310	*	Brian Simpson 3195 Nation Rd. Mt. Vernon, IN. 47620
“	425	*	Roger Simpson 2095 Springfield Rd. Mt. Vernon, IN. 47620
5-3-13	1428	*	Mark Duckworth 1625 Springfield Rd. Mt. Vernon, IN. 47620
“	1000	*	Dave Beste 771 Copperline Rd. Mt. Vernon, IN. 47620
“	540	*	James Meinschein 7320 Darnell School Rd. Mt. Vernon, IN. 47620
5-10-13	130	*	Keith Brenner 7420 Blount Rd. Mt. Vernon, IN. 47620
“	191	*	Robert Guenther 1500 Old Evansville Rd. New Harmony, IN. 47631

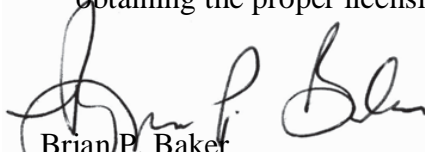
“	196	*	Alvin Nurrenburn 5016 Alysia St. Mt. Vernon, IN. 47620
“	10	*	John Pate 1625 Greathouse Rd. New Harmony, IN. 47631
“	130	*	Tom Schnieder 7025 Upton Rd. Mt. Vernon, IN. 47620
5-13-13	95	*	Jeff Tepool 6600 Springfield Rd. Wadesville, IN. 47638
“	460	*	Dean A. Winger 7620 Gunclub Rd. Mt. Vernon, IN. 47638
“	335	*	Edward L. Yeida Jr. 5611 Tahoe Dr. Mt. Vernon, IN. 47620

DATE	NUMBER OF UNITS TREATED	PESTICIDE PRODUCTS APPLIED	NAME AND ADDRESS OF THE CUSTOMER
4-30-14	382	*	Brian Simpson 3195 Nation Rd. Mt. Vernon, IN. 47620
“	344	*	Roger Simpson 2095 Springfield Rd. Mt. Vernon, IN. 47620
“	163	*	Ryan Cash 2530 Nation Rd. Mt. Vernon, IN. 47620
5-8-14	646	*	David Beste
“	730	*	Mark Duckworth
“	131	*	Jeff Tepool
“	65	*	Keith Brenner
5-13-14	225	*	Edward I. Yeida Jr
“	540	*	James Meinschein
“	168	*	Robert Guenther
6-2-14	50	*	Scott Lewis 1820 Wildeman Rd. Evansville, IN. 47712
“	194	*	Andy Schneider 3800 Spencer Ditch Rd. Mt. Vernon, IN. 47620
“	200	*	Alvin Nurrenburn
“	705	*	Dean A. Winger

* Pesticides Applied:

- Evergol, EPA Reg# 264-1122, Active ingredient=prothiocanzole 7.18%, , penflufen 3.59%, metalaxyl 5.74%
- Allegiance, EPA Reg# 264-935, Active ingredient=metalaxyl 28.35%
- Gaucho, EPA Reg# 264-968, Active ingredient +imidacloprid 48.7%

7. In this case there are eight daily violations for treating agricultural crop seed without an OISC business license and certified applicators license. There are four days for calendar year 2013 and four days for calendar year 2014 noted in the chart in paragraph 6 of this report. The records which Mr. Simpson e-mailed me are attached to the case file and also reflect that he treated for his own personal use. The personal use information was not charted as a violation. It should be noted Mr. Simpson cooperated with this investigation and is in the process of obtaining the proper licensing for his business.



Brian P. Baker
Pesticide Investigator

Date: April 27, 2015

Disposition: Roger Simpson was cited for eight (8) violations of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$2,000.00 (8 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$1,500.00. Consideration was given to the fact Mr. Simpson cooperated during the investigation.



George N. Saxton
Compliance Officer

Draft Date: May 15, 2015
Final Date: July 23, 2015

CASE SUMMARY

Case #2015/0811

Complainant: Office of Indiana State Chemist (OISC)
175 S. University Street
West Lafayette, Indiana 47907
800-893-6637

Respondent: Kevin M. Fuhrman Certified Applicator
Performance Seed Service
3485 Windham Road
Shoals, Indiana 47581
(812) 247-3065

1. On Wednesday, April 22, 2015, I, Agent Brian Baker of OISC, conducted a facility inspection at Performance Seed Services LLC in Shoals, Indiana. I met with Kevin Fuhrman, the certified applicator for Performance Seed Services LLC. I identified myself verbally and with OISC credentials and stated the purpose of the inspection. I issued Mr. Fuhrman a Notice of Inspection. The inspection covered the following areas:

- Licensing and Insurance
- Records Keeping
- Storage of pesticide products.

2. Mr. Fuhrman and the Performance Seed Services LLC were recently licensed by OISC. In addition to the areas covered in paragraph 1, I conducted a new business inspection and covered the topics of:

- Supervision
- RUP Records Keeping
- Setting up an inspection book

3. Mr. Fuhrman and the Performance Seed Services met or exceeded all standards for the inspection. I provided hand-out material in an effort to assist Mr. Fuhrman with assembling an inspection booklet. Since Mr. Furman had recently become certified, I asked if he had treated agricultural crop seed “for hire” with pesticide products. Mr. Fuhrman told me he had treated agricultural crop seed with pesticides, in a “for hire” business in 2014, prior to being licensed by OISC to do so. I told Mr. Fuhrman I would need him to e-mail me a copy of his records of those pesticide treatments to include:

- Date of the application
- Number of units treated
- The pesticide products used in the applications
- The name and address of the customer.


4. On Monday April 27, 2015, I received an e-mail from Mr. Fuhrman with the requested records attached. The following chart documents by day the violations in the calendar year 2014 when Mr. Fuhrman made pesticide applications to agricultural crop seed for hire, without licensing through OISC.

DATE	NUMBER OF UNITS TREATED	PESTICIDE PRODUCTS APPLIED	NAME AND ADDRESS OF THE CUSTOMER
3-17-14	900	*	H&F Farms LLC 4698 New Bushey Branch Rd Manchester, TN 37355
"	810	*	Kris & Bob Buechler 1708 S. 1025 E. Celestine, IN. 47521
"	270	*	G&K Hasenour Farms LLC 830 N. Beaver Lake Rd Jasper, IN. 47546
3-20-14	180	*	Dexter Roberts 1547 Old Airport Rd Hillsboro, TN 37342
"	45	*	Myron Stemle 6861 E. Highland Blvd Celestine, IN. 47521
"	810	*	Charlie Bob Parks 1385 Parks Addition Rd Mitchell, IN. 47446
"	360	*	Don Witt 7351 Witt Ln Shoals, IN. 47581
3-24-14	405	*	Vollmer Farms 1070 E. 300 N. Jasper, IN. 47546
"	135	*	Earl & Kris Hasenour 924 N. 725 E. Celestine, IN. 47521
"	315	*	Mike Hopkins 13533 Dover Hill Rd Loogootee, IN. 47553
"	225	*	T&J Hoffman Farms LLC 6886 N 200 W Jasper, IN. 47546
4-1-14	180	*	Dale Divine 9999 Eagles Nest Ln Shoals, IN. 47581
"	630	*	John Divine 13278 E 800 S Loogootee, IN. 47553
"	135	*	Kenny Beckman 5108 E. Jasper Dubois Rd Dubois, IN. 47527
4-29-14	90	*	Donnie Fuhrman 2847 E. 725 N. Dubois, IN. 47527

* Pesticide products applied:

- Evergol, EPA Reg# 264-1122, Active ingredient=prothiobazole 7.18%, penflufen 3.59%, metalaxyl 5.74%
- Allegiance, EPA Reg# 264-935, Active ingredient=metalaxyl 28.35%
- Gaucho, EPA Reg# 264-968, Active ingredient=imidacloprid 48.7%


5. In this case there are five daily violations in calendar year 2014 where Mr. Fuhrman made pesticide applications to agricultural crop seed for hire, with being licensed by OISC. The chart in paragraph 4 outlines all of the violations and pesticide products used. It should be noted Performance Seed Services LLC is properly licensed with OISC at this time and met all inspection standards on Wednesday April 22, 2015. Mr. Fuhrman cooperated and supplied the requested records in a timely fashion.



Brian P. Baker
Pesticide Investigator

Date: April 27, 2015

Disposition: Kevin M. Fuhrman was cited for five (5) violations of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$1,250.00 (5 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$375.00. Consideration was given to the fact Mr. Fuhrman cooperated during the investigation; corrective action was taken; no previous history of similar nature and no restricted use pesticides were involved.



George N. Saxton
Compliance Officer

Draft Date: May 15, 2015
Final Date: June 12, 2015

CASE SUMMARY

Case #2015/0812

Complainant: Office of Indiana State Chemist (OISC)
175 S. University Street
West Lafayette, Indiana 47907
(765) 494-1585

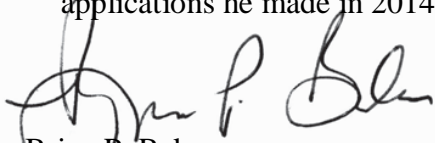
Respondent: Bruce D. Miller Certified Applicator
Pioneer Seed Representative
15483 Unison Rd.
Magnet, Indiana 47520
(812) 719-1027

1. On Friday April 24, 2015, I, Agent Brian Baker of OISC, conducted a facility inspection of Bruce Miller Independent Pioneer Seed Treater and Representative. The inspection covered the following areas:
 - Licensing and Insurance
 - Records keeping
 - Storage of pesticide products
2. The Bruce Miller facility met or exceeded the standards at the time of inspection. I told Mr. Miller I had been given information from the OISC office in February of 2015 which indicated he still needed to take and pass the core exam in order to obtain the proper licensing for treating agricultural crop seed with pesticide products. Mr. Miller told me he had taken care of all the licensing requirements. Mr. Miller was properly licensed at the time of inspection. I asked Mr. Miller if he had treated agricultural crop seed with pesticide products for hire, prior to having the proper licensing with OISC. Mr. Miller told me he had made pesticide applications to agricultural crop seed for customers several days in 2014 without the proper OISC licensing. I told Mr. Miller I would need all his pesticide treatment records for the calendar year 2014.
3. When I inspected the pesticide product storage at the Bruce Miller facility I found the following pesticide products were used in the pesticide treatment of agricultural crop seed:
 - Allegiance, EPA Reg# 264-935, active ingredient= metalaxyl 28.35%
 - Evergol, EPA Reg# 264-1122, active ingredient= prothiobenzole 7.18%, penflufen 3.59%, metalaxyl 5.74%
 - Gaucho, EPA Reg# 264-968, active ingredient=imidacloprid 48.7%
4. On Monday May 4, 2015, I received the pesticide application records from Mr. Miller. The chart which follows documents the violations in calendar year 2014 for the Bruce Miller facility.

DATE	NUMBER OF UNITS TREATED	PESTICIDE PRODUCTS APPLIED	THE NAME AND ADDRESS OF THE CUSTOMER
4-15-14	200	*	Dan Gayer 6009 French Ridge Rd. Tell City, IN. 47586
"	80	*	Marilyn Harding 14550 N. SR 66 Derby, IN. 47525
"	400	*	Robert Harding 5075 French Ridge Rd. Tell City, IN. 47586
"	340	*	Steve Ogle 2640 SR 1957 Lewisport, KY. 42351
"	540	*	Tom Hauser 8340 N SR 66 Rome, IN. 47574
4-16-14	750	*	Hagman Farms 2395 Skillman Rd. Hawesville, KY. 42348
"	1000	*	Stephen Emmick 8500 River Rd Lewisport, KY. 42351
4-17-14	750	*	Winchell Farms 1115 Big Rivers Rd Hawesville, KY. 42348
"	400	*	Jerry Mosby 3559 Apollo Rd Troy, IN. 47588
"	500	*	Ellis Russellburg 935 B Rice Rd Hawesville, KY. 42348
"	250	*	River Bottom Tobacco Farm 215 Scifres Ln Hawesville, KY. 42348

*** The pesticide products applied in this case are Allegiance, Evergol and Gaucho. For the EPA Reg# and active ingredients see paragraph 3 of this report.**

5. In this case there are three violations where the pesticide products listed in paragraph 3 of this report were applied to agricultural crop seed for hire without the proper licensing through OISC. Mr. Miller cooperated in the investigation and supplied the list of unlicensed pesticide applications he made in 2014. The list was supplied to me in a timely fashion.


 Brian P. Baker
 Pesticide Investigator

Date: May 4, 2015

Disposition: Bruce D. Miller was cited for three (3) violations of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$750.00 (3 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$525.00. Consideration was given to the fact Mr. Miller cooperated during the investigation and no restricted use pesticides were used.



George N. Saxton
Compliance Officer

Draft Date: May 15, 2015
Final Date: June 12, 2015

CASE SUMMARY

Case #2015/0814

Complainant: Office of Indiana State Chemist
175 South University St.
West Lafayette, IN 47907-2063
574-295-1283

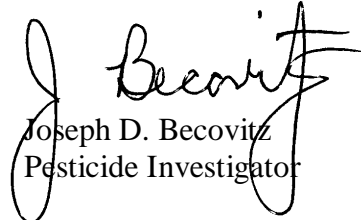
Respondent:	Nickolas Xolo, Jr.	Unlicensed applicator
	David Welch	Certified applicator
	The Green Gang	Licensed business
	6530 N. Michigan Road	
	Indianapolis, IN 46268	
	317-257-3001	

1. On April 23, 2015, I, Agent Joe Becovitz of the Office of Indiana State Chemist (OISC), observed a young male making what appeared to be an herbicide application to the New International Village Apartments (see Figure1). I stopped and initiated a use inspection by identifying myself with my OISC credentials. The young male identified himself as Nick Jr. Nick spoke only broken English, but I was able to determine that Nick worked for the Green Gang and didn't appear to have a pesticide credential. I was able to communicate to Nick that he must stop applying the herbicide until I was able to determine whether he was properly supervised.



Figure 1

2. I then phoned our office and determined that the Green Gang did have a pesticide business license and that their certified applicator was David Welch. I phoned the Green Gang, spoke to David Welch and made him aware of the situation. Mr. Welch stated Nick's full name was Nickolas Xolo Jr. Mr. Welch stated Mr. Xolo was applying Roundup to weeds in the sidewalk, did not have any kind of pesticide credential from OISC and that no licensed supervisor was on-site with Mr. Xolo. I asked Mr. Welch to meet me at the International Village Apartments as soon as possible. Once Mr. Welch arrived, I issued a Notice of Inspection to him and reiterated that Mr. Xolo could not make any more pesticide applications unless he became credentialed or a certified applicator was on-site with him. Mr. Welch stated he understood and would comply.



Joseph D. Becovitz
Pesticide Investigator

Date: April 30, 2015

Disposition: David Welch was cited for violation of section 65(6) of the Indiana Pesticide Use and Application Law, specifically 355 IAC 4-2-3, for failure to provide on-site supervision to a non-certified individual. A civil penalty in the amount of \$125.00 was assessed for this violation.



George N. Saxton
Compliance Officer

Draft Date: May 15, 2015

Final Date: June 12, 2015

CASE SUMMARY

Case #2015/0825

Complainant: Office of Indiana State Chemist (OISC)
175 S. University Street
West Lafayette, Indiana 47907
(765) 494-1585

Respondent: Carl Liggett Certified Applicator
Hoosier Seed Products
310 E. CR 300 S.
New Castle, Indiana 47362
(765) 561-2045

1. On Tuesday, April 28, 2015, I, Agent Brian Baker of OISC, conducted a facility inspection at the Hoosier Seed Products. The inspection covered the following areas.
 - Licensing and Insurance
 - Records Keeping
 - Storage of pesticide products.
2. I met with Carl Liggett, identified myself verbally and with OISC credentials. I stated the purpose for the inspection and issued Mr. Liggett a Notice of Inspection. I asked Mr. Liggett for the OISC business license and his OISC certified applicators license. Mr. Liggett provided his certified applicators license but could not present a business license. I told Mr. Liggett the OISC records indicated he was a “not for hire” certified applicator. I asked Mr. Liggett if he provided pesticide applications to agricultural crop seed to the general public. Mr. Liggett told me he did. I told Mr. Liggett he was a “for hire” pesticide business and that required an OISC business license. I reviewed the application process with Mr. Liggett and found he was confused about what he needed after he passed his category 4 certified applicators test so he just filled it out for a “not for hire”. I directed Mr. Liggett to the application on the OISC website. Mr. Liggett printed the application and filled it out for a “for hire” pesticide business and told me he would send it to our office at once. I told Mr. Liggett I was going back to the office and would hand carry it if he wished. Mr. Liggett enclosed a check for the fee and a copy of the certificate of insurance as required.
3. Mr. Liggett indicated he passed his category 4 seed treater test and filed his application on March 10, 2014, prior to treating any agricultural crop seed in the calendar year 2014. Mr. Liggett indicated he had treated agricultural crop seed with pesticide products for hire without the proper licensing in the calendar year 2013. I told Mr. Liggett I would need the records for all of year 2013 which he treated agricultural crop seed with pesticide products for hire.
4. I completed the inspection by reviewing the supervision requirements, the records keeping requirements for the business and then I inspected the storage of the pesticide products used. The following pesticide products were used at the Hoosier Seed Products.

- Allegiance, EPA Reg# 264-935, active ingredient=metalaxyl 28.35%
- Evergol, EPA Reg# 264-1122, active ingredient=prothiocanazole 7.18%, penflufen 3.59%, metalaxyl 5.74%
- Gaucho, EPA Reg# 264-968, active ingredient=imidacloprid 48.7%

5. On Tuesday April 28, 2015, I received all of the records I had requested from Hoosier Seed Products. The chart which follows documents the violations in this case.

Date	Number of Units treated	The pesticide products used	The name and City of the customer
3-18-13	300	*	Charles Bole Hartford City, Indiana
3-19-13	100	*	Sam Caldwell Lewisville, Indiana
“	90	*	Dan Freer Losantville, Indiana
“	280	*	Joe Herrmann Glenwood, Indiana
“	300	*	“
“	50	*	Steve Lane Connersville, Indiana
“	60	*	“
3-20-13	265	*	Roger Schwier Fountaintown, Indiana
“	250	*	“
“	400	*	Al Groth Winchester, Indiana
“	250	*	“
“	460	*	David Keesling Middletown, Indiana
“	360	*	“
“	180	*	Max Angle Rushville, Indiana
“	170	*	Wayne Jacobs New Castle, Indiana
3-21-13	165	*	Fred Wooldridge Knightstown, Indiana
“	300	*	Timothy Kendall Shirley, Indiana
3-22-13	260	*	Dean Petry Eaton, Indiana
“	225	*	“
“	200	*	Max Smith Hagerstown, Indiana
“	75	*	“
“	300	*	Ben Weisheit Hagerstown, Indiana

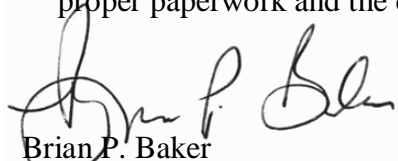
3-27-13	150	*	Terry Abernathy Liberty, Indiana
“	200	*	“
“	150	*	“
“	175	*	Brian Miller Spiceland, Indiana
“	“	*	“
“	40	*	Chane Tower Connersville, Indiana
“	110	*	“
“	300	*	Jason Mauck Gaston, Indiana
“	“	*	“
“	200	*	Wayne Munson Rushville, Indiana
“	160	*	Steve Leis Ansonia, Indiana
“	95	*	Phillip Webber Middletown, Indiana
“	90	*	“
3-28-13	110	*	Brian Spurgin Milton, Indiana
“	“	*	“
“	100	*	Maurice Miller Eaton, Indiana
“	110	*	“
“	45	*	“
“	60	*	“
“	150	*	Steve Pyle Marion, Indiana
“	90	*	Bob Ellis Fortville, Indiana
“	100	*	“
“	200	*	“
4-1-13	120	*	Fred Wooldridge
“	“	*	Jason Mauck Gaston, Indiana
“	“	*	“
4-2-13	50	*	Al Groth Winchester, Indiana
4-3-13	80	*	Kirschner Farms Connersville, Indiana
“	“	*	“
4-4-13	40	*	Maurice Miller Eaton, Indiana
“	360	*	Phillip Scott Greenfield, Indiana
“	120	*	David Squires Centerville, Indiana

“	250	*	“
4-5-13	300	*	Kevin Mahan Rushville, Indiana
“	250	*	David Squires Centerville, Indiana
4-8-13	280	*	Ronnie Pittsford Daleville, Indiana
“	100	*	Steve Souder Rushville, Indiana
4-9-13	213	*	Lewis Willman Hartford City, Indiana
“	40	*	Joe Yanos Cambridge City, Indiana
“	“	*	“
4-10-13	80	*	Randy Willman Hartford City, Indiana
“	60	*	“
4-16-13	1000	*	Craig Armstrong New Castle, Indiana
4-23-13	200	*	Steve Souder Rushville, Indiana
4-26-13	180	*	John Masters Kennard, Indiana
“	180	*	Mark Lawyer Hagerstown, Indiana
4-29-13	225	*	Duane Elliott Knightstown, Indiana
4-30-13	201	*	Jeff Dawson Rushville, Indiana
“	120	*	John Masters Kennard, Indiana
“	“	*	“
5-4-13	200	*	Wayne Landes New Madison, Indiana
5-6-13	200	*	Steve Souder Rushville, Indiana
5-8-13	125	*	Duane Elliott Knightstown, Indiana
“	130	*	Kevin Mahan Rushville, Indiana
“	95	*	“
“	135	*	David Schultz Falmouth, Indiana
“	300	*	Ben Weisheit Hagerstown, Indiana

5-9-13	150	*	Kevin Mahan Rushville, Indiana
5-15-13	130	*	David Keesling Middletown, Indiana
“	180	*	Kevin Mahan Rushville, Indiana
“	70	*	“
“	285	*	David Squires Centerville, Indiana
5-16-13	336	*	Randall Drew Greenville, Indiana
“	120	*	Chane Tower Connersville, Indiana
“	340	*	Dean Petry Eaton, Indiana
5-17-13	210	*	Duane Elliott Knightstown, Indiana
5-18-13	80	*	Maurice Miller Eaton, Indiana
5-19-13	200	*	Shawn Orme Arlington, Indiana
5-20-13	80	*	Steve Leis Ansonia, Indiana
5-21-13	265	*	Randall Drew Greenville, Indiana
5-22-13	70	*	“
“	40	*	Maurice Miller Eaton, Indiana
5-23-13	170	*	Max Angle Rushville, Indiana
5-25-13	200	*	Al Groth Winchester, Indiana
“	300	*	“

*** The pesticide products used in this case are Allegiance, Evergol and Gaucho, for the EPA Reg# and active ingredients, see paragraph 4 of this report.**

6. In this case there are 34 violations where the pesticide products listed in paragraph 4 were used to treat agricultural crop seed for hire. The violations occurred between 3-10-13 and 3-10-14 when Hoosier Seed Products did not have any licensing with OISC. The certified applicator of record at this time, Carl Liggett, obtained a category 4 license on 3-10-14 but mistakenly asked for a “not for hire” license. Mr. Liggett cooperated completely in this investigation and provided his treatment records the same day I inspected him and also filled out the proper paperwork to correct the licensing to a “for hire” business. I hand carried the proper paperwork and the check to the OISC campus office where it was processed.


 Brian P. Baker
 Pesticide Investigator

Date: May 4, 2015

Disposition: Carl Liggett was cited for thirty-four (34) violations of section 65(9) of the Indiana Pesticide Use and Application Law for applying pesticides for hire without having an Indiana pesticide business license. A civil penalty in the amount of \$8,500.00 (34 counts x \$250.00 per count) was assessed. However, the civil penalty was reduced to \$2,550.00. Consideration was given to the fact Mr. Liggett cooperated; corrective action was taken; there was no previous violations of similar nature and no restricted use pesticides were involved.



George N. Saxton
Compliance Officer

Draft Date: May 15, 2015
Final Date: June 12, 2015

CASE SUMMARY

Case #2015/0927

Complainant: Office of Indiana State Chemist
175 S. University Street
West Lafayette, IN 47907
800-893-6637

Applicator: Dave Williams
Corey Brown
Tru-Green
3308 Imperial Drive
Lafayette, IN 47909
765-477-2122

Certified Applicator
Registered Technician

1. On May 15, 2015, at about 1:00pm, I observed the above named applicators making what appeared to be a pesticide application to the turf of Princeton Corporation located at 600 Princeton Parkway in Kentland, Indiana.
2. I could see that both individuals were in short sleeves and without gloves or eye protection although Mr. Brown did have sunglasses that were on top of his head and not covering his eyes. Both pieces of equipment were applying what Mr. Williams identified to me as Trupower 3 Selective Herbicide (EPA Reg. #228-551) active ingredients 2,4-D, Dicamba and MCPA. (See Figures One and Two)

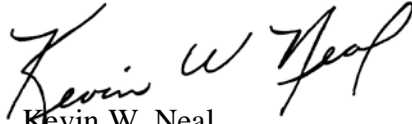


Figure One



Figure Two

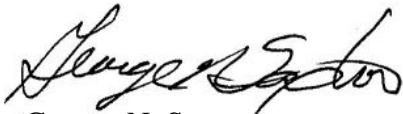
3. The label for Trupower3 states, *“All mixers, loaders, applicators and other handlers must wear: Long Sleeved Shirt and Long Pants; Shoes Plus Socks and; Protective eyewear (goggles or face shield or shielded safety glasses); Chemical resistant gloves (except for applicators using ground boom equipment)”*



Kevin W. Neal
Investigator

Date: May 15, 2015

DISPOSITION: Dave Williams was cited for violation of section 65(2) of the Indiana Pesticide Use and Application Law for failure to follow label directions regarding the use of personal protective equipment (PPE). A civil penalty in the amount of \$250.00 was assessed for this violation. Consideration was given to the fact there was potential for human harm, especially for a registered employee under the supervision of Mr. Williams.



George N. Saxton
Compliance Officer

Draft Date: May 18, 2015

Final Date: June 12, 2015